# Staff Report to the Zoning Administrator

**Application Number: 04-0313**

**Applicant:** Dee Murray
**Owner:** Mike and Joyce Assar
APN: 043-104-40

**Agenda Date:** December 17,2004
**Agenda Item** #: 5
**Time:** After 10:00 a.m.

**Project Description:** Proposal to amend Coastal Development Permit 02-0477 to revise the project design.

**Location:** 422 Seaview Drive, Aptos

**Supervisoral District:** Second District (District Supervisor: Ellen Pine)

**Permits Required:** Amendment **to** Coastal Development Permit 02-0477.

**Staff Recommendation:**

- Approval of Application 04-0313, based on **the** attached findings and conditions.
- Certification that the proposal **is** exempt from **further** Environmental Review under the California Environmental Quality Act.

**Exhibits**

| | | | |
|---|---|---|---|
| A. | Project plans | H. | Assessors Parcel Map |
| B. | Findings | I. | Urban Designer's Memo |
| C. | Conditions | J. | Geotechnical Letter and Report |
| D. | Categorical Exemption (CEQA determination) | K. | 02-0477 ZA staff report (Burke) |
| E. | Location Map | L. | Photos of model |
| F. | General Plan map | M. | Aerial Photo |
| *G.* | Zoningmap | | |

**Parcel Information**

| | |
|---|---|
| Parcel Size: | 26,502 **sq.** ft. |
| Existing Land Use - Parcel: | single family dwelling |
| Existing Land **Use** - Surrounding: | residential |
| Project Access: | Seaview Drive |
| Planning Area: | Aptos |
| Land Use Designation: | R-UL (Residential Urban Low Density) |
| Zone Disuict: | R-1-6 (6,000 sq. ft. min. site area) |
| Coastal Zone: | X Inside __ Outside |
| Appealable to Calif. Coastal Comm. | X *Yes* __ No |

## Environmental Information

| | |
|---|---|
| Geologic Hazards: | Coastal bluff, Geologic and Geotechnical report completed |
| Soils: | Elkhorn sandy loam |
| Fire Hazard: | Not a mapped constraint |
| Slopes: | Relatively flat within area of proposed construction |
| Env. Sen. Habitat: | Minor riparian vegetation, not within proposed construction limits |
| Grading: | No grading proposed |
| Tree Removal: | No trees proposed to be removed |
| Scenic: | Portions of the lot is located within a mapped scenic zone |
| Drainage: | To street |
| Traffic: | No si-@cant increase |
| Roads: | Existing roads adequate |
| Parks: | Existing park facilities adequate |
| Archeology: | Not mapped/no physical evidence on site |

## Services Information

| | |
|---|---|
| Urban/Rural Services Line: | _X_ Inside ___ Outside |
| Water Supply: | Soquel Creek Water District |
| Sewage Disposal: | Santa Cruz County Sanitation District |
| Fire District: | Aptos/La Selva Fire Protection District |
| Drainage District: | Zone 6 |

## History

Coastal Development Permit 02-0477 was approved on February 7,2003. That proposal was to demolish and existing, non-conforming one-story single family dwelling and detached garage; and construct an approximately 10,406 sq. ft., two story replacement dwelling including a basement and attached garage. The proposal also included grading approximately 400 cubic yards and repair and maintenance of an existing retaining wall at the top of the bluff.

This application is for an amendment to that Coastal Development Permit with a new design for the residence and a new design for the retaining wall.

## Project Setting

The site is located on Seaview Drive in the Aptos planning area. ***An*** arroyo is located on the eastern side of the property with predominantly willow shrubs. To the south of the property is the bluff (below which is Beach Drive and Monterey Bay).

## Project Description

In 2002, the Zoning Administrator approved 02-0477. The previous application included a 10,406 sq. ft. two story replacement dwelling with a basement and attached garage, grading of about 400 cubic yards, and repair and maintenance of the existing retaining wall at the bluff. A building permit is still active for this application.

The new owner is now proposing to demolish and replace the existing residence with a 9,285 sq. ft. two story residence (with 5, 482 sq. ft. on the lower floor) and to repair the existing retaining wall. The County Geologist has reviewed the Geotechnical Report and drawings and has given conditional approval for discretionary review.

## Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

The project site is located between the shoreline and the first public road, however it is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

## Zoning & General Plan Consistency

The subject property is a 26,502 square foot **lot,** located in **the** R-1-6 (6,000 **sq.** ft. min. site area) zone district, a designation that allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Residential Urban Low Density General Plan designation.

## SITE DEVELOPMENT STANDARDS TABLE

| | R-1-6 Standards | Proposed Residence |
|---|---|---|
| **Front yard setback:** | 20 feet (residence and front of garage) | 22'-6" |
| **Side yard setback:** | 5 feet / 8 feet | 29 feet / 8 feet |
| **Lot Coverage:** | 30 % maximum | 21 % |
| **Building Height:** | 28 feet maximum | 27'-7" |
| **Floor Area Ratio (F.A.R.):** | 0.5:1 maximum | .35 |
| **Parking** | ***6*** bedrooms – 5 (18' x 8.5') | three in garage three uncovered |

## Design and Large Dwelling Review

The proposed single family dwelling complies with the requirements of the County Design Review Ordinance (Chapter 13.11), in that the proposed project will incorporate site and architectural design features to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Residential development exceeding 7,000 sq. ft. is subject to the provisions of County Code Section 13.10.325. These design guidelines include minimizing the changes in the natural topography of the building site, utilizing colors and materials to reduce the appearance of building bulk, maintaining compatibility with homes in the surrounding neighborhood and use of architectural features to break up massing.

The Urban Designer has reviewed this proposal, worked with the designer on revisions and

## Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed.

## Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

## Staff Recommendation

- APPROVAL of Application Number **04-0313,** based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County **Planning** Department
701 Ocean Street. 4th Floor
Santa Cruz **CA** 95060
Phone Number: (831) 454-2676
E-mail: pln795@co.santa-cruz.ca.us

**Application #** 04-0313
APN: 043-104-40
**Owner:** Mike and Joyce Assar

# Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation:

This finding can be made, in that the property is zoned R-1-6 (6,000 sq. ft. min. site area), a designation that allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UL) Residential Urban Low Density General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density: the colors shall be natural in appearance and complementary to the site; the development site is on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This fmding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (6,000 sq. ft. min. site area) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

**Application #** 04-0313
**APN:** 043-104-40
Owner: **Mike and Joyce Assar**

# Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology; the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the single family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the *purpose* of the R-1-6 (6,000 sq. ft. min. site area) zone district in that the primary use of the property will be one single family dwelling that meets all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Residential Urban Low Density (R-UL) land use designation in the County General Plan.

The proposed single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single family dwelling will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stones) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.



**EXHIBIT B**

**A** specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single family dwelling **is** to be constructed on an existing developed lot.

**5.** That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family dwelling is consistent with the land use intensity and density of the neighborhood.

## Design Review and Large Dwelling Findings

1. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed single family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

The architectural design is modern, and relates to the highly Modem style home on the adjacent parcel to the north. There is a high degree of articulation and the design steps down from two stories to the one story garage at the street.

2. The proposed structure is compatible with its surroundings given the neighborhood, locational and environmental context and it's design is consistent with the Large Dwelling Design Guidelines in County Code Section 13.10.325 (d); or

3. The proposed structure, due to site conditions, or mitigation measures approved as part of this application, will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property, privacy or solar access, and it's design is consistent with the Large Dwelling Design Guidelines set forth in County Code Section 13.10.325 (d).

These findings can be made, in that the proposed development has been designed to minimize potential visual impacts from the beach by placing the structure closer to the road than the top of the bluff. The subject property as viewed from the beach is dominated by an existing wood retaining wall.

**Application #:** 04-0313
APN: 043-104-40
owner: Mike and Joyce Assar

# Conditions of Approval

Exhibit A: architectural plans by Studio Nine Design Services, dated October 6, 2004.
civil engineering plans by Civil Consultants Group. Inc., dated September 30, 2004.

I. This permit authorizes the demolition of a four bedroom single-family dwelling and the construction of a six bedroom, 9,285 **sq.** ft. two story, single family dwelling. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.

B. Obtain a Demolition Permit from the Santa Cruz County Building Official.

C. Obtain a Building Permit from the Santa Cruz County Building Official.

D. Obtain a Grading Permit from the Santa Cruz County Building Official.

E. Obtain an Encroachment Permit from the Department of Public **Works** for all off-site work performed in the County road right-of-way.

II. Prior to issuance of a Building Permit the applicantiowner shall:

A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).

B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:

**1.** Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.

2. Grading, drainage, and erosion control plans.

**3.** Details showing compliance with fire department requirements.

C. Meet all requirements of and pay Zone ***6*** drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

D. Meet all requirements and pay any applicable plan check fee of ***the*** Aptos/La Selva Fire Protection District Fire Protection District.



**EXHIBIT C**

E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.

**F.** Pay the current fees for Parks and Child Care mitigation for 2 bedroom(s).

***G.*** Provide required off-street parking for five (5) cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to fmal building inspection, the applicantiowner must meet the following conditions:

A. All site improvements shown on the final approved Building Permit plans shall be installed.

B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

C. The project must comply with all recommendations of the approved soils reports.

D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

**A.** In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

---

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or **staff** in accordance with Chapter 18.10 of the **County** Code.

Application # **04-0313**
APN **043-104-40**
**Owner. Mike and Joyce Assar**

**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

**Approval** Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Lawrence Kasparowitz
Project Planner

---

Appeals: Any property owner. or other **person** aggrieved, or any other person whose interests are adversely affected by **any** act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



**EXHIBIT C**

# CALIFORNIA ENVIRONMENTAL QUALITY ACT
# NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 04-0313
Assessor Parcel Number: 043-104-40
Project Location: 422 Seaview Drive. Santa Cruz

Project Description: Proposal to amend Coastal Development Permit 02-0477 to revise the project design.

Person or Agency Proposing Project: Dee Murray

Contact Phone Number: (831) 475-5334

A. _____ The proposed activity is not a project under **CEQA** Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. _____ Ministerial Project involving only the ***use*** of fixed standards **or** objective measurements without personal judgment.
D. _____ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. __X__ Categorical Exemption

Specify type: Class **3 -** New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

New single family dwelling in a developed area.

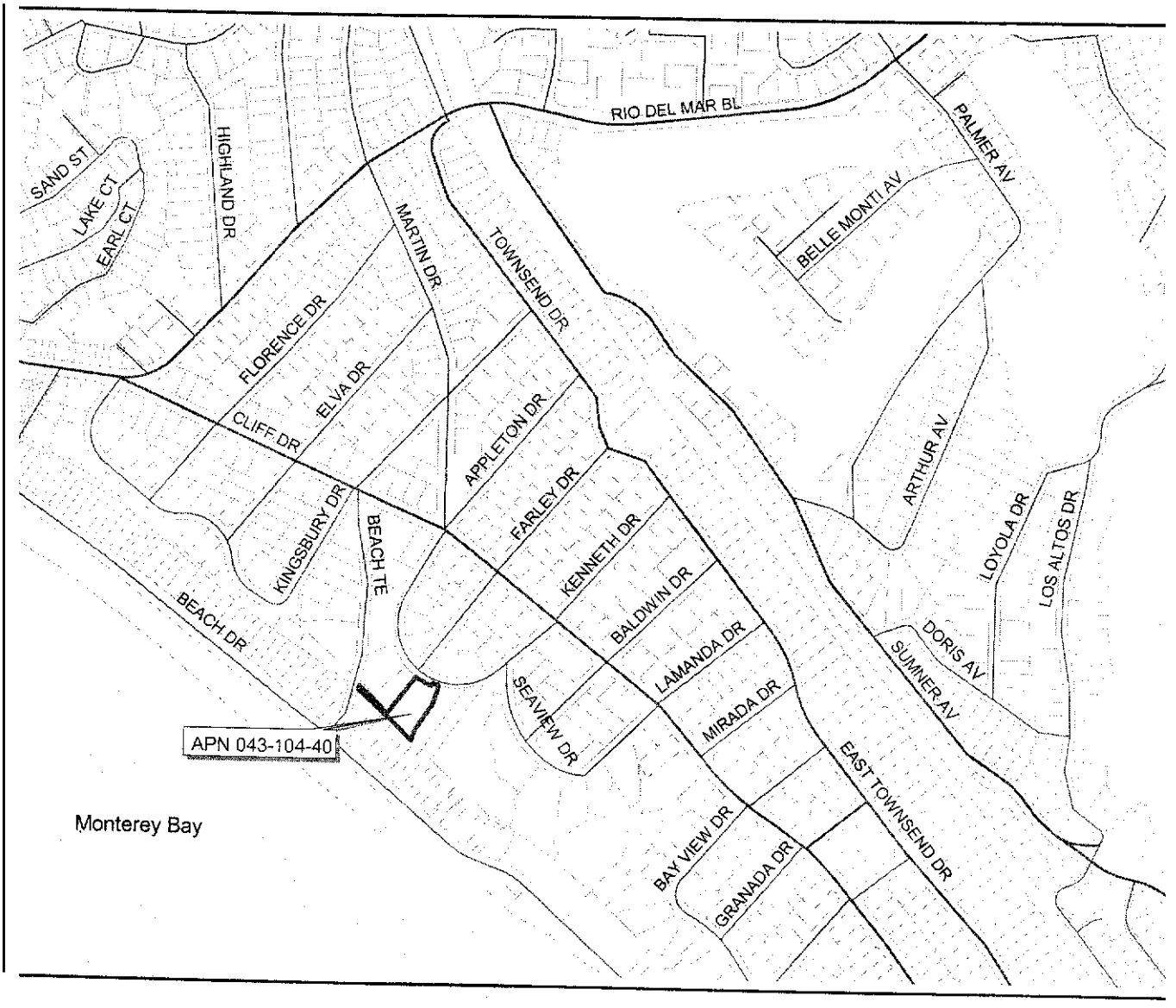
In addition, none of the conditions described in Section 15300.2 apply to this project.

_____ Date:_____
Lawrence Kasparowitz, Project Planner



**EXHIBIT D**

# Location Map




1000 0 1000 2000 Feet

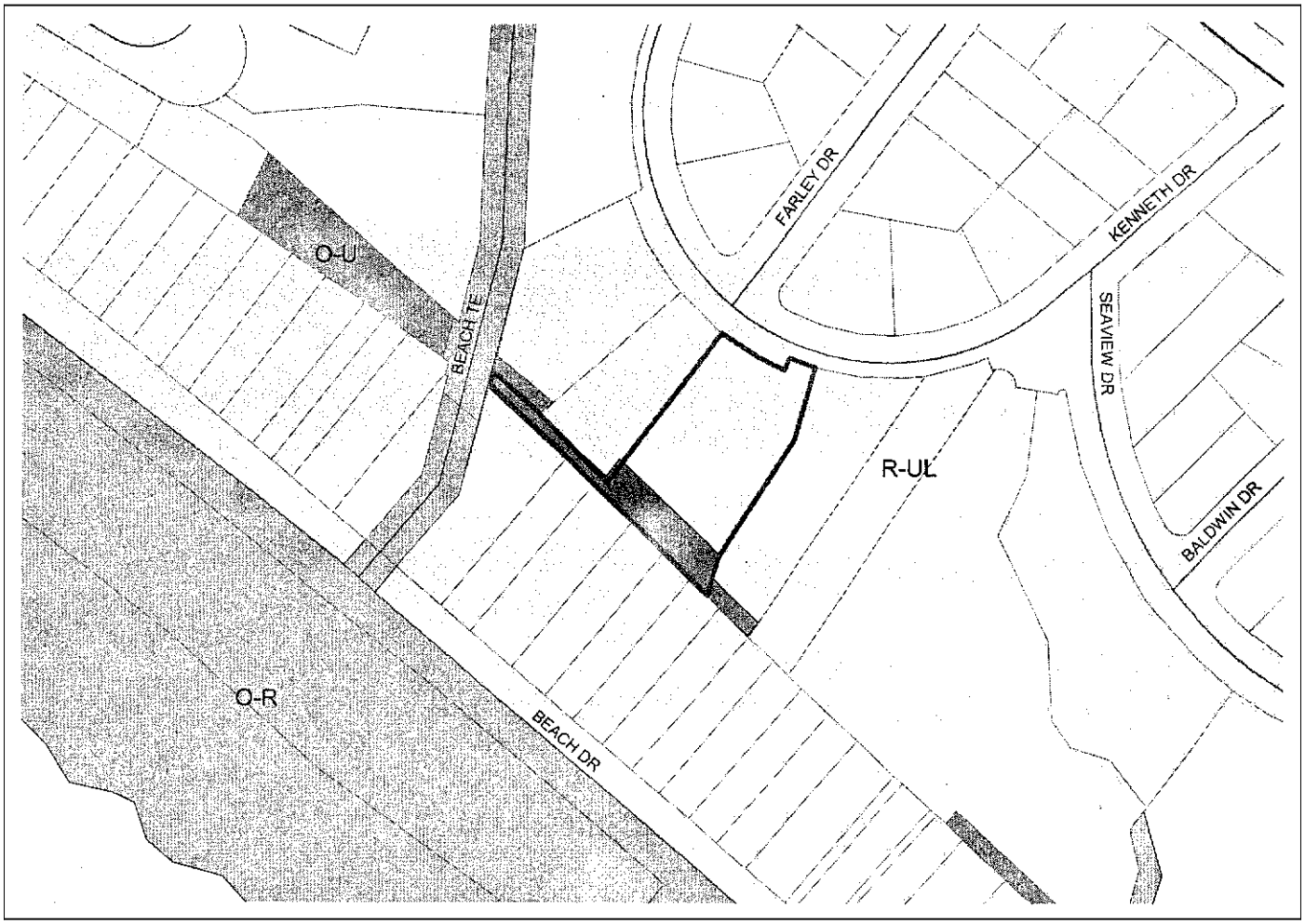
N

Map created by Santa Cruz County
Planning Department:
July 2004



EXHIBIT E

# General Plan Map




200 0 200 400 600 Feet

N

Legend

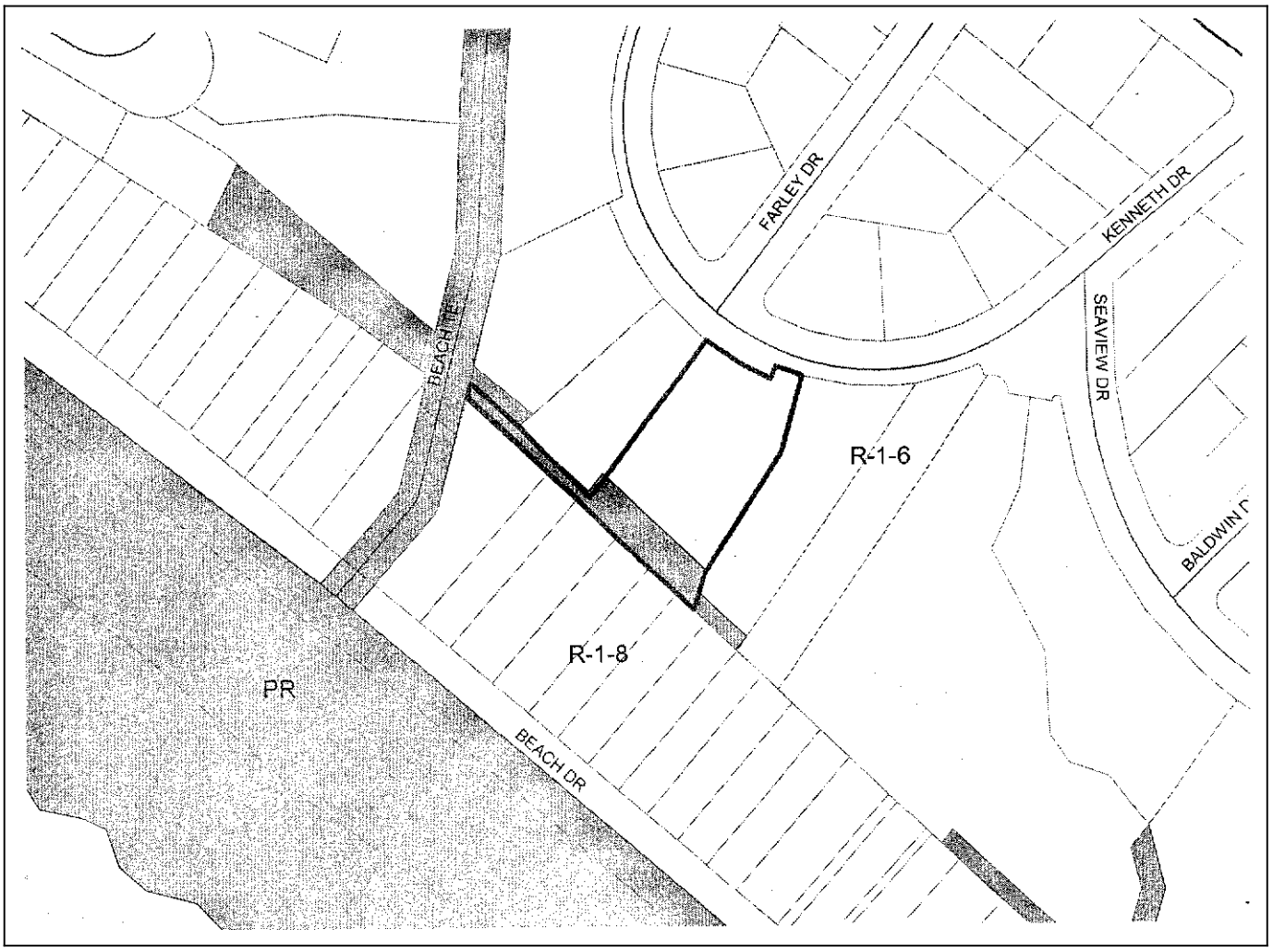
- APN 043-104-40
- Streets
- Residential - Urban Low Density
- Parks and Recreation
- Urban Open Space

Map created by Santa Cruz County Planning Department:
July 2004



EXHIBIT F

# Zoning Map




200 0 200 400 600 **Feet**

N

Legend

- APN 043-104-40
- Streets
- R-1-X
- PR

Map created by Santa Cruz County Planning Department: July 2004



EXHIBIT G

S RANCHO

C. 19, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-273

43-10

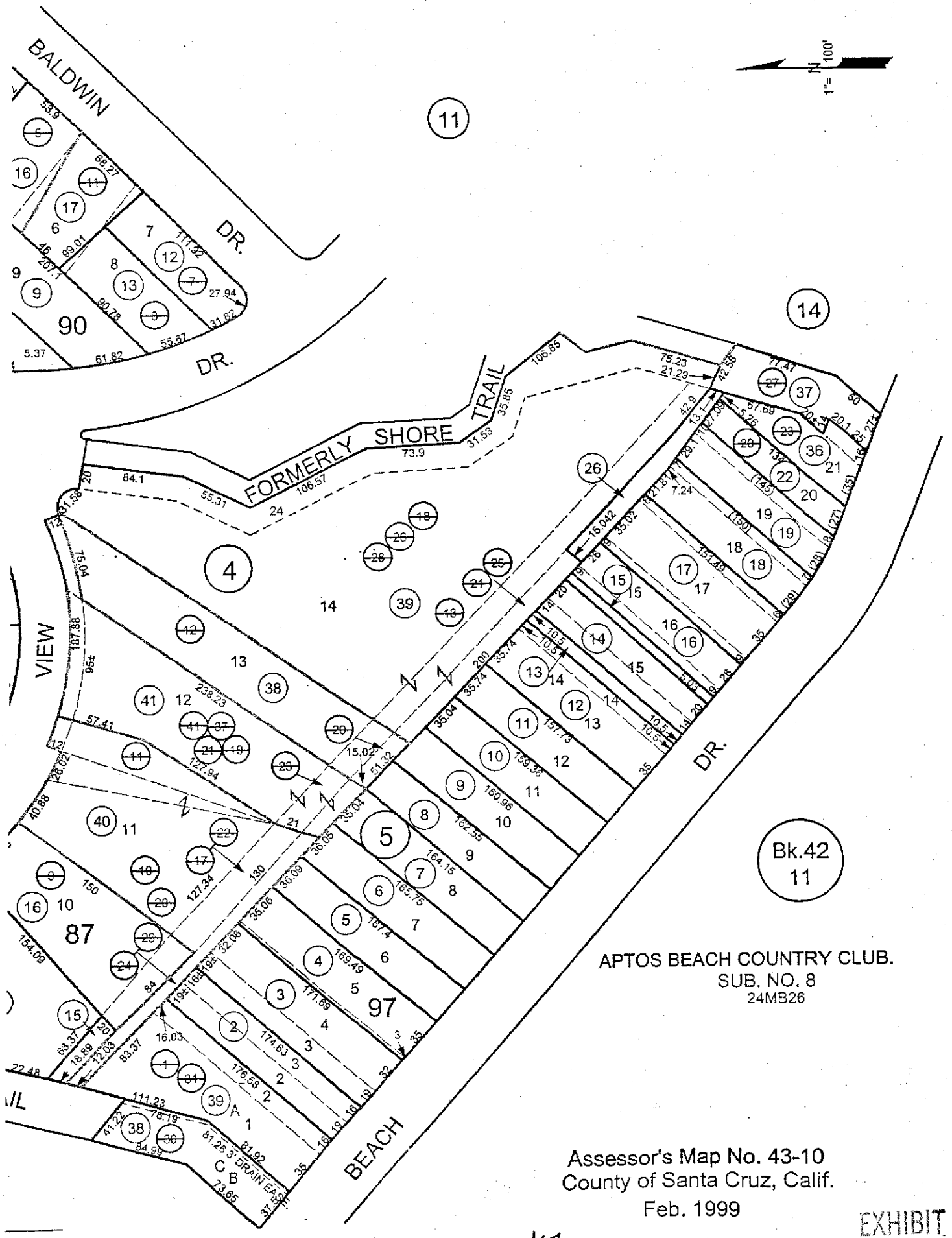



EXHIBIT M

**COUNTY OF SANTA CRUZ** | **Planning Department**

# INTEROFFICE MEMO

APPLICATION NO. **04-0313** (second routing)

Date: November 11,2004

To: Project Planner

From: Larry Kasparowitz, Urban Designer

**Re:** Design Review for a new residence at 422 Seaview Drive, Aptos (Mike and Joyce Assar / owner, Dee Murray / applicant)

## GENERAL PLAN / ZONING CODE ISSUES

Desian Review Authority

**13.20.130** The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Desian Review Standards

**13.20.130** Design criteria for coastal zone developments

| Evaluation Criteria | Meets criteria In code ( ✔ ) | Does **not** meet criteria ( ✔ ) | Urban Designer's Evaluation |
|---|---|---|---|
| Visual Compatibility | | | |
| All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas | ✔ | | |
| Minimum Site Disturbance | | | |
| Grading, earth moving, and removal of major vegetation shall be minimized. | ✔ | | |
| Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species. | ✔ | | |
| Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained. | J | | |



EXHIBIT 1

| | | | |
|---|---|---|---|
| Ridgeline Development | | | |
| structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline | | | N/A |
| Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not *be* permitted | | | N/A |
| Landscaping | | | |
| New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics *of* the area | ✔ | | |
| Rural Scenic Resources | | | |
| Location **of** development | | | |
| Development shall be located, if possible, on parts of the site not visible or least visible from the public view. | | | N/A |
| Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points | | | N/A |
| Site Planning | | | |
| Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities) | | | N/A |
| Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed | | | N/A |
| **Building design** | | | |
| Structures shall be designed to fit the topography *of* the site with minimal cutting, grading, or filling for construction | | | N/A |
| Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged | | | NIA |

| | | | |
|---|---|---|---|
| Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster | | | **NIA** |

| | | | |
|---|---|---|---|
| **Large agricultural structures** | | | |
| The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings | | | **N/A** |
| The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or **the** natural vegetative cover of the site (except for greenhouses). | | | **NIA** |
| The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure | | | **NIA** |
| **Restoration** | | | |
| Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development | | | **N/A** |
| The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project | | | **N/A** |
| **Signs** | | | |
| Materials, scale, location and orientation of signs shall harmonize with surrounding elements | | | **N/A** |
| Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited | | | **N/A** |
| Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts | | | **N/A** |

| | | | |
|---|---|---|---|
| In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors | | | **N/A** |
| **Beach Viewsheds** | | | |
| Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive | | | **N/A** |
| No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations) | | | **N/A** |
| The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred | | | **N/A** |

Design Review Authority

**13.11.040** Projects requiring design review.

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

**13.11.030** Definitions

(u) 'Sensitive Site" shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; or located ***on*** a coastal bluff, or on a ridgeline.

Design Review Standards

**13.11.072** Site design.

| Evaluation Criteria | **Meets** criteria In code (✔) | Does not meet criteria (✔) | Urban Designer's Evaluation |
|---|---|---|---|
| Compatible Site Design | | | |
| Location and type of access to the site | ✔ | | |
| Building siting in terms of its location and orientation | ✔ | | |
| Building bulk, massing and scale | ✔ | | |
| Parking location and layout | ✔ | | |
| Relationship to natural site features and environmental influences | ✔ | | |
| Landscaping | ✔ | | |
| Streetscape relationship | | | **N/A** |
| Street design and transit facilities | | | **N/A** |
| Relationship to existing structures | ✔ | | |
| Natural Site Amenities and Features | | | |
| Relate to surrounding topography | ✔ | | |
| Retention of natural amenities | ✔ | | |
| Siting and orientation which takes advantage of natural amenities | ✔ | | |
| Ridgeline protection | | | **N/A** |
| Views | | | |
| Protection of public viewshed | ✔ | | |
| Minimize impact on private views | ✔ | | |
| Safe and Functional Circulation | | | |
| Accessible to the disabled, pedestrians, bicycles and vehicles | | | **N/A** |

| | | | |
|---|---|---|---|
| **Solar** Design and Access | | | |
| Reasonable protection for adjacent properties | ✔ | | |
| Reasonable protection for currently occupied buildings using a solar energy system | ✔ | | |
| **Noise** | | | |
| Reasonable protection for adjacent properties | ✔ | | |

**13.11.073** Building design.

| Evaluation Criteria | Meets criteria In code ( ✔ ) | Does not meet criteria ( ✔ ) | Urban Designer's Evaluation |
|---|---|---|---|
| **Compatible Building Design** | | | |
| Massing of building form | ✔ | | |
| Building silhouette | ✔ | | |
| Spacing between buildings | ✔ | | |
| Street face setbacks | ✔ | | |
| Character of architecture | ✔ | | |
| Building scale | ✔ | | |
| Proportion and composition of projections and recesses, doors and windows, and other features | ✔ | | |
| Location and treatment of entryways | ✔ | | |
| Finish material, texture and color | ✔ | | |
| **Scale** | | | |
| Scale is addressed on appropriate levels | ✔ | | |
| Design elements create a sense of human scale and pedestriam interest | ✔ | | |
| Building Articulation | | | |
| Variation in wall plane, roof line, detailing, materials and siting | ✔ | | |
| Solar Design | | | |
| Building design provides solar access that is reasonably protected for adjacent properties | ✔ | | |
| Building walls and major window areas are oriented for passive solar and natural lighting | ✔ | | |

Design Review **Authority**

**13.11.040 (c)** New single family residences or remodels of 7,000 square feet or larger as regulated **by** Section 13.10.325.

Desian Review Evaluation

**13.10.325(d)**

| Evaluation Criteria | Meets criteria In code ( ✔ ) | Does not meet criteria ( ✔ ) | Urban Designer's Evaluation |
|---|---|---|---|
| Changes in the natural topography of the building site are minimized. | ✔ | | |
| Grading cuts and fills are minimized, and when allowed are balanced. | ✔ | | |
| House design and accessory structure horizontal elements follow hillside contours, where applicable. | ✔ | | |
| Colors and materials are used to reduce the appearance of building bulk. Use of earthtone colors is encouraged. | ✔ | | |
| Building height appearance is minimized by varying the height of roof elements and portions of the structure from prominent viewpoints. | ✔ | | |
| Ridgeline silhouettes remain unbroken by building elements. Building envelopes should be allocated to the lower portions of hillside lots, where feasible. | ✔ | | |
| The structure(s) is compatible in terms of proportion, size, mass and height with homes within the surrounding neighborhood | ✔ | | |
| Architectural features break up massing. This can be accomplished by varying rooflines, puncturing large wall expanses with bay windows or recessed wall planes, or using a combination of vertical and horizontal architectural elements. | ✔ | | |
| Landscaping helps blend the structure(s) with the natural environmental setting of the **site.** | ✔ | | |
| Existing vegetation is preserved as much as possible. | ✔ | | |

| | | | |
|---|---|---|---|
| The structure(s) is sited to take advantage of existing trees and land forms. | ✔ | | |
| Fast-growing, native landscaping is | ✔ | | |
| The view to adjacent properties is controlled. | ✔ | | |
| Second story windows facing close neighboring properties are minimized. | ✔ | | |
| Upper floor balconies and decks are oriented toward large yard areas. | ✔ | | |
| The structure is located on the site as far from property lines as possible. | ✔ | | |
| Landscaping is used to enhance privacy. | ✔ | | |
| The location of the structure(s) on the site minimizes view blockage within public viewsheds. | ✔ | | |

HARO, KASUNICH AND ASSOCIATES, INC.
CONSULTING GEOTECHNICAL & COASTAL ENGINEERS

Project No. SC8647
17 November 2004

MR. MIKE ASSAR
Lexar Media, Inc.
47300 Bayside Parkway
Fremont, California 94538

Subject: Supplemental Geotechnical Engineering Design Criteria
Maintenance and Repair of Existing Blufftop Retaining Wall

Reference: 422 Seaview Drive
Rio Del Mar
Santa Cruz County, California

Dear Mr. Assar:

At the request of your contractor, John Fuchs, we met at the reference site with yourself, John Fuchs, Ryk Lesser, Studio 9 Design Services, and George Drew of Soil Engineering Construction, Inc., to evaluate the existing blufftop retaining wall and *to* determine the most appropriate method to repair and maintain it. The purpose of our meeting was to review the Geotechnical Engineering and Geologic Investigation prepared for the referenced property, 4 April 2001 by Hallenbeck and Associates and to look at historic records of the retaining wall found in Haro, Kasunich and Associates files, M. Jacobs and Associates file and Bowman & Williams, Civil Engineer's file. An opportunity exists to repair the retaining wall during planned reconstruction of the on-site residential structure by the Assar's. George Drew, Soil Engineering Construction repaired portions of the wall after it was damaged in the 1983 El Nino rain storms. Haro, Kasunich and Associates evaluated the wall, recommended drainage repairs and retaining wall strengthening after the 1989 earthquake. This maintenance work was done when the Hartvickson's owned the property. The Assar's recently purchased the property from Mr. and Mrs. Burk who had hired Hallenbeck and Associates to complete a geotechnical engineering and geologic investigation for a proposed new residence at the property. The Burks were going to remove the existing home, repair the blufftop retaining wall and rebuild a new single family residence. The Assar's also intend to remove the existing residential structure and repair/maintain the blufftop retaining wall as they reconstruct a new residential structure.

A review of past files regarding the reference property indicates that in the very early 80's the wood lagging of the retaining wall had to be replaced and the drainage system behind the wall repaired. Soil Engineering Construction added some vertical steel members to a portion of the wall and deadman anchors to



EXHIBIT J

116 EAST LAKE AVENUE • WATSONVILLE, CALIFORNIA 95076 • (831)722-4175 • FAX (831)722-3202

restrain the wall after 1983 storm damage. They also constructed a shorter wall below the southwest segment of .the blufftop wall to contain a debris flow headscarp that had occurred during the 1983 El Nino winter. In 1989, additional drainage work was done at the top *of* the wall and at its southeast corner where portions of the shorter wall, above the arroyo, were mechanically reconnected to the back *of* the larger wall.

**A** chronologic history of the blufftop retaining wall and its relationship to the coastal bluff is presented on pages 5 through 8 *of* the Hallenbeck geotechnical engineering and geologic investigation report. Recommendations for strengthen the blufftop wall are given in the recommendation section of that report, pages 14 and 15. The Hallenbeck report also presents results of slope stability analysis performed on the coastal bluff and indicates that the existing slope configuration has static factors of safety ranging from 1.5 to 1.7 and a seismic factor of safety of 1.3. Hallenbeck concluded from their slope stability analysis that an imaginary line drawn from the base of the coastal bluff *to* the top of the bluff at a gradient *of* 1.5 horizontal to 1 vertical should be used as a basis for design criteria. New foundations for the residential structure and repair components of the retaining wall (tieback and deadman anchors) should extend below this imaginary line for long term stability.

The scope of our work to prepare supplemental geotechnical design criteria included the following: met on site a number of times with the project structural engineer, George Drew of Soil Engineering Construction, reviewed the Hallenbeck and Associates geotechnical engineering and geological investigation. including their Figure 3, Sheet 1 *of* 2 geologic map and cross-section, and inventoried all of the retaining walls along the top of the bluff and below the blufftop wall. We hand dug test pits at the base of the high blufftop wall to determine the depth of a steel beam which now supports the wall. We concluded that the steel beam extended at least 10 feet below grade at the bottom of the wall. This depth does penetrate the 1.5:1 imaginary line projected by the Hallenbeck geotechnical evaluation. We have included descriptions of the existing walls in cross-sections A-A' through F-F', attached to this letter report. We then met on-site with the project architect and contractor to determine the most efficient way to repair the wall, using the geometry presented in the geologic report and the profiles of the existing retaining walls. We determined the seismic coefficient for steep, weakly cemented slopes following the Ashford and Sitar 2002 procedure. The seismic coefficient was included as a surcharge load in our recommendations for repairing the new wall. We also inspected the minor fill pod in the arroyo mapped by Hallenbeck and Associates relative to drainage of the arroyo below and adjacent to the reference project.



EXHIBIT J

Based the results of our geotechnical review of the existing blufftop retaining wall and discussions with Soil Engineering Construction, and a review of the conclusions and recommendations from the geotechnical engineering and geologic investigation by Hallenbeck and Associates for the reference property we have concluded:

1. The existing blufftop retaining wall is in need of repair and maintenance. The existing wall height should be reduced 2.5 feet to reduce active pressure. The southeast corner of the wall should be removed to eliminate the area of the wall damaged during the 1989 earthquake and to remove portions of the wall where old landslide scarps abut to its corner edge.

2. The concrete patio behind the wall should be reconstructed to drain away from the back of the wall to a storm drain system closer to the proposed new residence. Surface water collected from the new residential structure and the reconfigured patio should be collected in storm pipes that carry the water away from the coastal bluff and the backdrain *of* the wall and into the arroyo in a controlled manner.

3. The steel I-beams that support the existing wall should be cleaned and prepared with a coating *of* corrosion inhibiting paint.

4. A shotcrete facing should be added to the wall to reinforce the structure. The shotcrete should be colored and texture to match the native sand slopes.

5. Two rows *of* tiebacks should be placed along the wall fronting the coastal bluff. These tiebacks should be structurally engineered to offer the most efficient resistance to active and seismic pressures. The bottom tieback should be located at least 5 feet from the base of the wall.

6. The old walls that exist downslope of the blufftop walls should be left in place. These walls offer stability to the bluff face below the existing blufftop wall and also to the corner of the adjacent property northwest of the reference site. Removing these walls would damage the slope surface, and remove well established ground cover. Most of the lower walls are completely covered with vegetation and brush. This ground cover condition should be left as-is.



EXHIBIT J.

7. The existing blufftop wall is a necessary component of the building site from the arroyo northwest across the reference property and into the adjacent property. If this wall is removed, the configuration of the blufftop and portions *of* the bluff directly below the wall's base will have to be regraded to stabilize the existing native and imported fill materials. This grading operation would remove well established ground cover and foliage that now exists on the slope. The proposed repair and maintenance procedures will not remove this ground cover.

*8.* The existing retaining wall controls drainage at the top of the bluff. The recommendations to lower the height *of* the wall and reconstruct the patio so that it drains away from the top of the wall will enhance necessary drainage control that exists at the subject property. This improved surface drainage will add stability to the reference property, the adjacent properties directly below the reference property and the adjacent property to the northwest of the reference property.

**9.** The minor fill mapped in the arroyo to the east *of* the retaining wall project shows no sign of distress or instability. Our field investigation determined that three fill berms have been constructed in the arroyo, two of them completely off the reference property. The fill berms act to detain and control surface water from four properties on Seaview Drive. Drainage patterns in the arroyo are positive and do not cause erosion or stability problems to the fill berms. The proposed retaining wall repair and the new residential structure will not affect drainage through the arroyo or the fill pod mapped by Hallenbeck and Associates.

The following criteria should be used in designing **the** shotcrete faced, double tieback restrain system recommended to reinforce and maintain the existing retaining wall along the top *of* the coastal bluff and the single, tiedback shotcrete, retaining wall repair of the smaller wall adjacent to the arroyo on the east side of the building site:

Retaining **Wall** Restoration Design Criteria

The repaired retaining wall system should be designed to resist lateral earth pressures, a seismic surcharge and any additional surcharge loads.

The recommended lateral pressures assume that the repaired walls are drained to prevent hydrostatic pressure behind the walls. This will require maintaining drainage conduits through the new shotcrete surface at the bottom of the repaired walls, or through appropriately spaced weep holes. A series *of* tiebacks



EXHIBIT J

will be used to hold the blufftop wall in place and to resist horizontal active earth and seismic forces.

For design of the proposed tiedback, reinforced shotcrete retaining wall repairs, the following design criteria should be used:

A. Level backslope:

1. Fill and terrace deposit active pressures (top 16' of coastal bluff)
   38 pcf (EFW) unrestrained condition
   27 **H** psf/ft. (rectangular) restrained condition

B. Seismic surcharge – 18 H psf/foot of wall height (acceptable seismic Factor of Safety = 1.2). Seismic surcharge based on horizontal pseudostactic seismic coefficient, K = 0.4

**C.** Base of wall free to move (no passive restraint)

D. Tieback anchor criteria:

1. Tiebacks must penetrate all fill and the 1½:1 imaginary line drawn from the base of the bluff on Figure 3, Sheet 1 of 2 of the Hallenbeck geotechnical and geological report, and be bonded in terrace deposit material.
2. Small diameter, non-pressure grouted, drilled anchor holes of 3 to 8 inch diameter should be used for design purposes.
3. Minimum inclination below horizontal plane - 15°
4. Working shaft bond friction terrace deposit material – 1,200 psf
5. Minimum overburden cover fill and terrace deposit – 10 feet
6. Minimum spacing between grouted anchors terrace deposit – 8 feet
7. Minimum unbonded length of tieback tendon fill and terrace deposit – 20 feet
a. All tiebacks should be protected from corrosion for 100 year minimum service life according to manufacturer's specifications.

All tieback must be "locked off to 50 percent of their dead and live design loads. In addition, the tiebacks must be tested by the contractor in the presence of the Geotechnical Engineering to 110 percent of their design load. Any tiebacks that fail during testing must be replaced and retested.



EXHIBIT J

The geotechnical engineer should observe the drainage system conduits prior to shotcreting. The geotechnical engineer should also observe the installation of the tieback anchors to monitor the unbonded zone lengths and observe the pull testing of the tiebacks.

Site **Drainage**

Surface drainage should include provisions for positive gradients so that surface runoff is not permitted to pond adjacent to the top of the repaired coastal bluff retaining wall systems. Surface drainage should be directed away from the top of the retaining walls towards appropriate storm drain facilities.

The migration of water or spread or extensive root systems behind the repaired retaining wall may cause undesirable movements. Landscaping should be planned accordingly.

**Plan** Review, Construction Observation **and** Testing

Recommendations presented in this report are contingent upon our observation and, where necessary, testing of the earthwork, and construction of the tieback anchor systems. Observation of the earthwork and tieback anchor reconstruction allows anticipated soil conditions to be correlated to those actually encountered in the field during construction.

If you have any questions, please call our office.

Very truly yours,

**HARO, KASUNICH** AND ASSOCIATES, **INC.**

John E. Kasunich
G.E. 455

JEK/sq

Copies: 1 to Addressee
5 to Ryk Lesser, Studio 9 Design Services
1 *to* George Drew, Soil Engineering Construction, Inc.
1 to Dan Carl, California Coastal Commission



EXHIBIT J

## LIMITATIONS AND UNIFORMITY OF CONDITIONS

1. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed in the borings. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that planned at the time, our firm should be notified so that supplemental recommendations can be given.

2. This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are called to the attention of the Architects and Engineers for the project and incorporated into the plans, and that the necessary steps are taken to ensure that the Contractors and Subcontractors carry out such recommendations in the field. The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. No other warranty expressed or implied is made.

3. The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether they be due to natural processes or to the works of man, on this or adjacent properties. In addition, changes in applicable or appropriate standards occur whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or partially, by changes outside our control. Therefore, this report should not be relied upon after a period of three years without being reviewed by a geotechnical engineer.



EXHIBIT J

**INVENTORY OF EXISTING RETAINING WALLS AT TOP OF COASTAL BLUFF**



EXHIBIT J

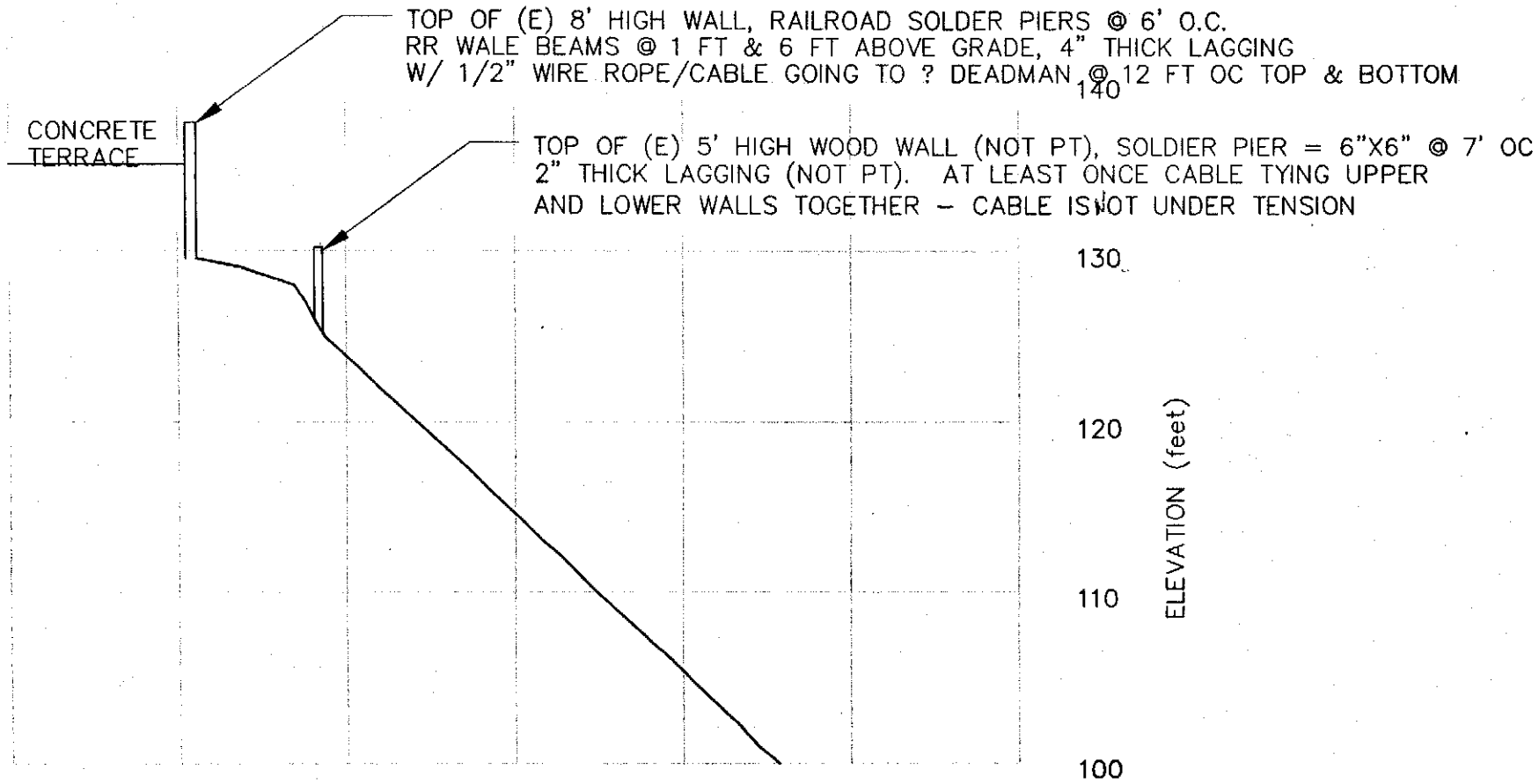



EXHIBIT J

CROSS SECTION A-A'
422 SEAVIEW DRIVE
APTOS, SANTA CRUZ COUNTY, CALIFORNIA

| | |
|---|---|
| SCALE: 1"=10' | A-A' |
| DRAWN BY: SV | HARO, KASUNICH & ASSOCIATES, INC. |
| DATE: AUGUST 2004 | GEOTECHNICAL AND COASTAL ENGINEERS |
| REVISED: | 116 E. LAKE AVENUE, WATSONVILLE, CA 95076 |
| JOB NO.: SC7358 | (831) 722-4175 |
| FIGURE NO. | SHEET NO.: OF 1 |

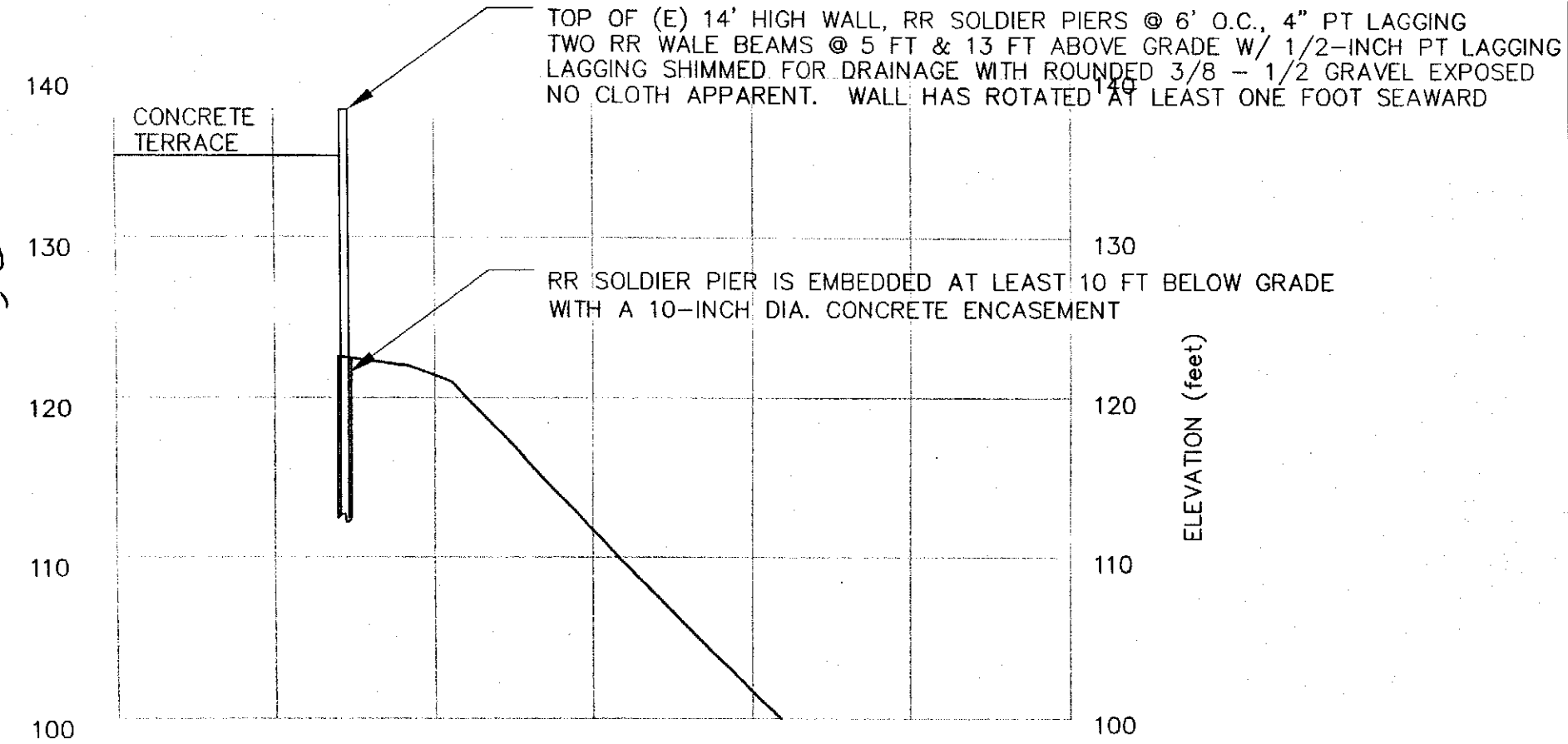



EXHIBIT 3

CROSS SECTION B-B'
422 SEAVIEW DRIVE
APTOS, SANTA CRUZ COUNTY, CALIFORNIA

| | |
|---|---|
| SCALE: 1"=10' | B-B' |
| DRAWN BY: SV | |
| DATE: AUGUST 2004 | HARO, KASUNICH & ASSOCIATES, INC. |
| REVISED: | GEOTECHNICAL AND COASTAL ENGINEERS |
| JOB NO: SC7358 | 116 E. LAKE AVENUE, WATSONVILLE, CA 95076 |
| | (831) 722-4175 |

FIGURE NO.

SHEET NO. OF 1

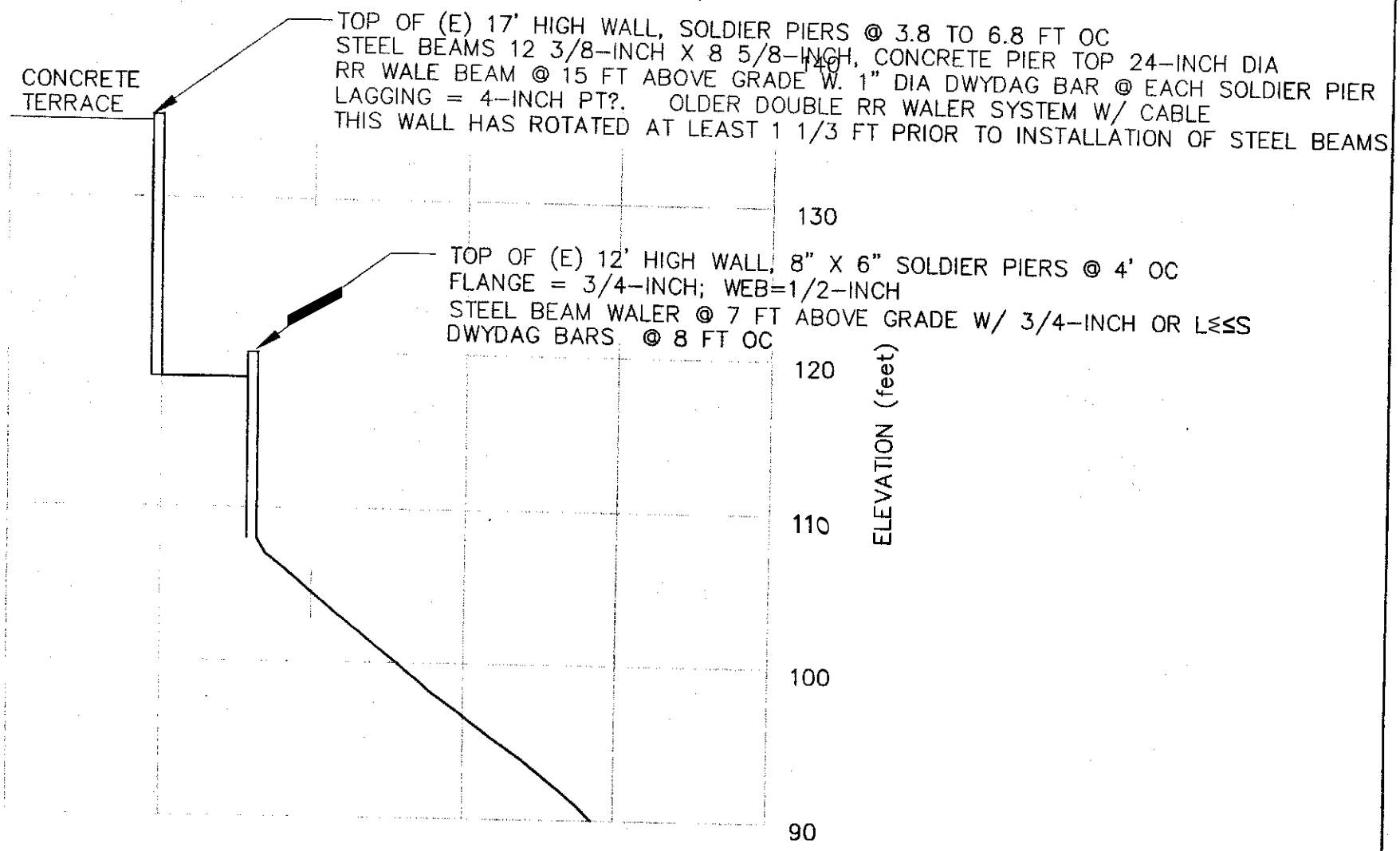


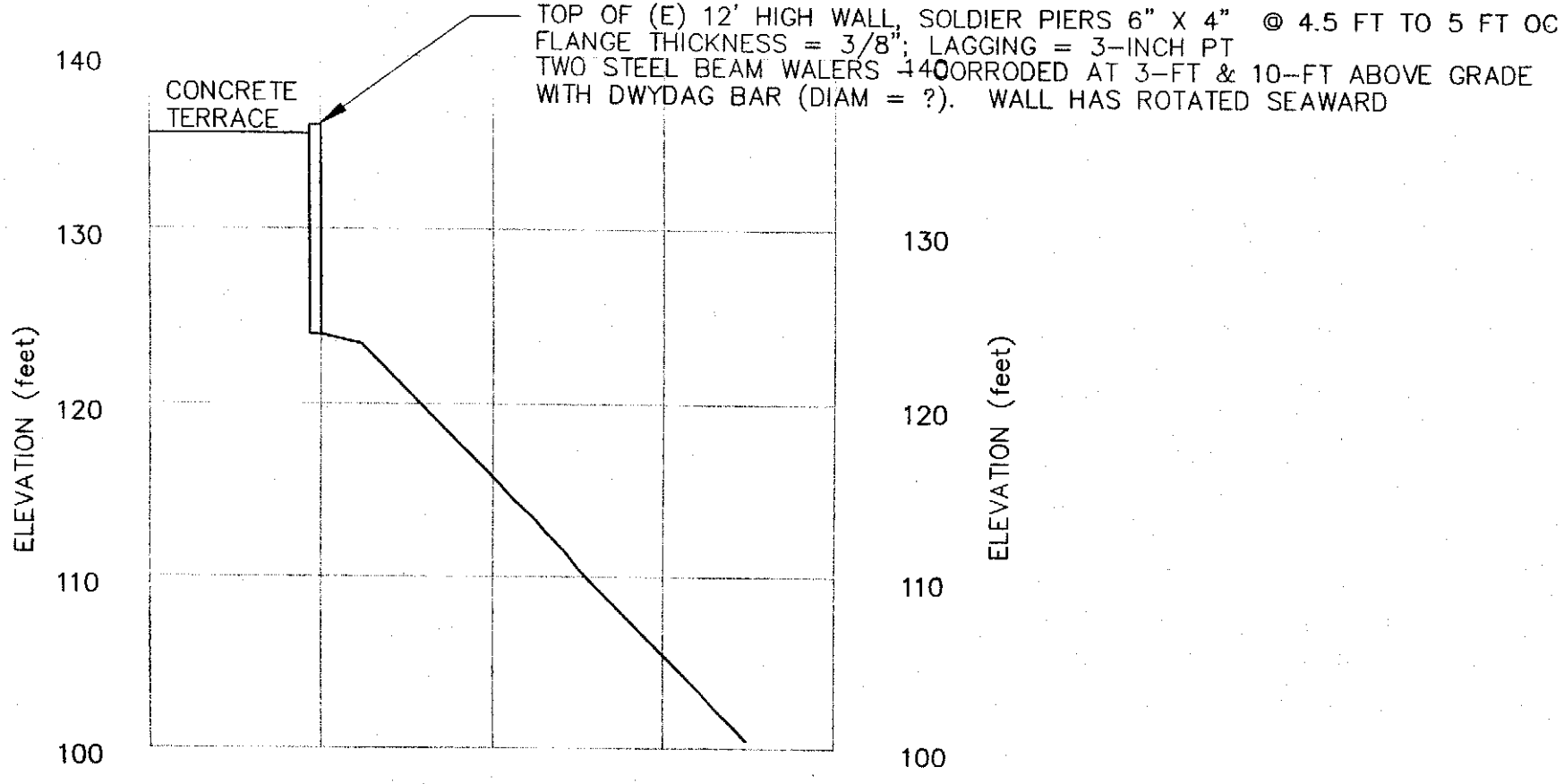

EXHIBIT J

CROSS SECTION C-C'
422 SEAVIEW DRIVE
APTOS, SANTA CRUZ COUNTY, CALIFORNIA

| | |
|---|---|
| SCALE: 1"=10' | C - C' |
| DRAWN BY: SV | |
| DATE: AUGUST 2004 | HARO, KASUNICH & ASSOCIATES, INC. |
| REVISED: | GEOTECHNICAL AND COASTAL ENGINEERS |
| JOB NO: SC7358 | 116 E. LAKE AVENUE, WATSONVILLE, CA 95076 |
| | (831) 722-4175 |

FIGURE NO.

SHEET NO. OF 1




CROSS SECTION D-D'
422 SEAVIEW DRIVE
APTOS, SANTA CRUZ COUNTY, CALIFORNIA

D - D'

DATE: AUGUST 2004
REVISED
JOB NO SC7358

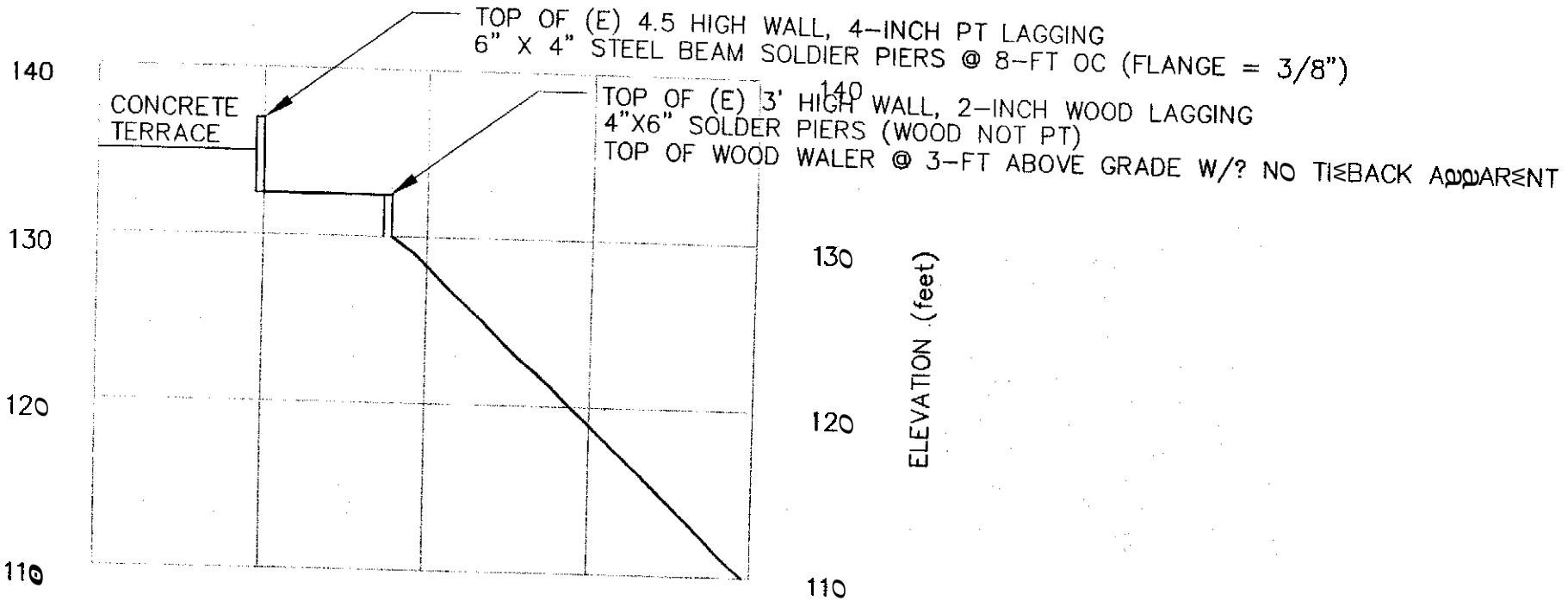
HARO, KASUNICH & ASSOCIATES, INC.
GEOTECHNICAL AND COASTAL ENGINEERS
116 E. LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175

FIGURE NO.

SHEET NO. OF 1

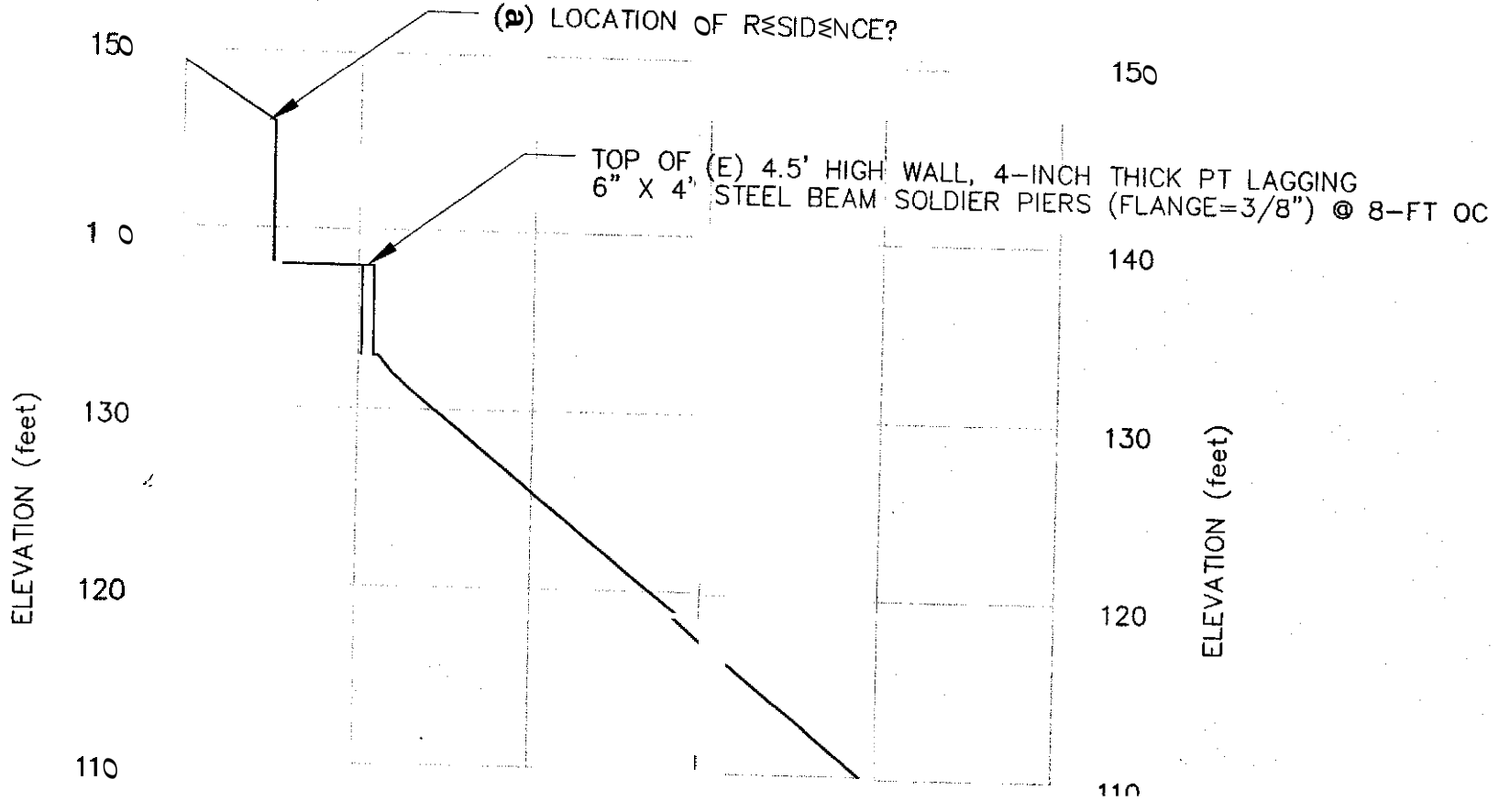
37

EXHIBIT 5




CROSS SECTION E-E'
422 SEAVIEW DRIVE
APTOS, SANTA CRUZ COUNTY, CALIFORNIA

| | |
|---|---|
| SCALE: 1"=10' | E - E' |
| DRAWN BY: SV | |
| DATE: AUGUST 2004 | HARO, KASUNICH & ASSOCIATES, INC. |
| REVISED: | GEOTECHNICAL AND COASTAL ENGINEERS |
| JOB NO: SC7358 | 116 E. LAKE AVENUE, WATSONVILLE, CA 95076 (831) 722-4175 |
| FIGURE NO. | SHEET NO. OF 1 |




39

EXHIBIT J

CROSS SECTION F-F'
422 SEAVIEW DRIVE
APTOS, SANTA CRUZ COUNTY, CALIFORNIA

| | |
|---|---|
| SCALE: 1"=10' | F - F' |
| DRAWN BY: SV | |
| DATE: AUGUST 2004 | HARO, KASUNICH & ASSOCIATES, INC. |
| REVISED: | GEOTECHNICAL AND COASTAL ENGINEERS |
| JOB NO: SC7358 | 116 E. LAKE AVENUE, WATSONVILLE, CA 95076 (831) 722-4175 |

FIGURE NO.

SHEET NO. OF 1

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: February 7,2003
Agenda Item: No. 11
Time: After 10:00 a.m.

## STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 02-0477
APPLICANT. Robert Van Dale
OWNER: James and Dian Burke

APN: 043-104-20, 22, 37 and 043-105-29

PROJECT DESCRIPTION: Proposal to demolish **an** existing, nonconforming one **story** single family dwelling and detached garage, to construct an approximately 10,406 square foot, two story, replacement dwelling including a basement and attached garage, to grade about 400 cubic yards, repair and maintain **an** existing retaining wall and to transfer 7,117 square feet from APN 043-104-37 to APN 043-104-20, transfer 697.18 square feet from APN 043-105-29 to APN 043-104-37 and to combine APN 043-104-22 **and** the remainder of APN 043-105-29 with APN 043-104-20. Requires a Coastal Development Permit, Large Dwelling Review, a Preliminary Grading Approval and a Lot Line Adjustment.

LOCATION: Located on the south side of Sea View Drive across from its intersection with Farley Drive. Situs: 422 Sea View Drive, Aptos.
FINAL ACTION DATE: 90 days from hearing date
PERMITS REQUIRED: Coastal Zone, Large Dwelling Development Permits and Lot Line Adjustment
ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 3(a)
COASTAL ZONE: XX yes —no APPEALABLE TO CCC: XX yes __no

PARCEL INFORMATION

PARCEL SIZES: 043-104-20 12,893.8 square feet 043-104-37 22,689 square feet
043-104-22 2,657.2 square feet 043-105-29 4,532 square feet
EXISTING LAND USE: PARCEL Residential
SURROUNDING: Residential, Coastal access, State Park beach
PROJECT ACCESS: Sea **View** Drive
PLANNING AREA: Aptos
LAND USE DESIGNATION: R-UL - Urban Low Residential 043-104-20 and 37
O-U – Urban Open Space 043-104-22 and 043-105-29
ZONING DISTRICT: R-1-6 - Single Family Residential 043-104-20 and 37
PR – Parks and Recreation 043-104-22 and 043-105-29
SUPERVISORIAL. DISTRICT: 2nd

ENVIRONMENTAL INFORMATION

| Item | Comments |
|---|---|
| a. Geologic Hazards | a. Coastal bluff, Geologic and Geotechnical **Report** completed* |
| b. Soils | b. Elkhom sandy loam |
| c. Grading | c. Approximately 400 cubic **yards** |
| d. Tree Removal | d. None proposed |
| e. Biotic Resource | e. Minor riparian vegetation |
| f. Scenic | f. Portions of the lot is located within a mapped scenic zone |
| g. Drainage | g. To street |
| h. Traffic | h. No significant increase |
| i. Roads | i. Public road |
| j. Archaeology | j. None mapped |



EXHIBIT K

* Geotechnical Investigation by Hallenbeck & Assoc. dated 4/4/01
* Report reviewed under Application 01-0189

SERVICES INFORMATION

W/in Urban Services Line: XX yes __ no

| | |
|---|---|
| Water Supply: | Soquel Creek Water |
| Sewage Disposal: | Santa Cruz County Sanitation District |
| Fire District: | Aptos-La Selva Fire Protection District |
| Drainage District: | Zone *6* |

ANALYSIS &DISCUSSION

Proiect Description and Background

This application seeks approval to demolish an existing, nonconforming one story single family dwelling and detached garage and to construct a two story, replacement dwelling including a basement and attached garage (Exhibit **A).** The building site lies above a coastal bluff, and therefore, a Coastal Development permit is required for this proposal. The proposed dwelling, basement, decks and garage total approximately 10,406 square feet (gross building area) and will require about 400 cubic yards of site grading. The applicant also proposes boundary adjustments of four existing parcels resulting in two parcels of 26,502.82 (parcel 20) and 16,269.18 square feet. This is the redevelopment of a residential property in an established neighborhood.

Discussion and Analysis

The project site is located in the Aptos planning area. This property has a level building site near Sea View Drive with a steep coastal bluff at the rear of the property. Several residences and Beach Drive are located at the base of this bluff. Parcel and Zoning Maps are provided as Exhibit F. The proposed dwelling is a two-story design. The rear elevation of both the existing and proposed dwellings are visible from the beach below. Visual issues are discussed further under General Plan and Coastal Development Issues below. **A** lot line adjustment is proposed to combine two small, unbuildable bluff parcels and to add square footage to APN 043-104-20 from APN 043-104-37 to increase the lot size and accommodate the driveway, turnaround and propane tanks.

Geologic Hazards Issues

The project is located adjacent to a Coastal bluff. **A** Geologic and Geotechnical Report Review was completed for this project under application 01-0189. There is an existing retaining wall system on the coastal bluff that was constructed in the 1970's and in 1982. The project geologist and soils engineer concurred that the proposed development will be stable for the 100-year life expectancy, provided that the existing retaining wall is properly maintained. County policies set forth in the 1984 General Plan and Chapter 16.10 (Geologic Hazards ordinance) of the County Code require that all development shall have a setback from the coastal bluff sufficient to provide a stable building site over a 100-year lifetime of the structure, with a minimum setback of 25 feet. The proposed residence must have the minimum setback of 25 feet from the current bluff top (retaining wall). Section 16.10.070(h)1.(ii) of the County Code requires that all development including that which is cantilevered and non-habitable structures shall meet the 100 year stability setback or the minimum 25 foot bluff setback, whichever is greater. The project plans show that the residence is located outside of the 25 foot setback. No site drainage must be allowed to flow over the face of the bluff in an uncontrolled manner. A preliminary drainage plan, which removes the drainage from the property in an enclosed system to Beach Drive via the neighboring property, has been reviewed and given preliminary approved by the Department of Public Works, Drainage section (Exhibit I). All landscaping within the bluff setback area must be drought tolerant as imgation in this area is prohibited. The landscape



EXHIBIT K

plan conforms with the requirements for site drainage, utilizes drought tolerant species suited to a Mediterranean climate and no landscaping is proposed on the patio within the 25 foot bluff setback. Thus the project conforms with the Geologic Hazards ordinance and policies for bluff top development.

Lot Line Adjustment Issues

Parcels 043-104-20 and 37 have a zoning designation of R-1-6 and a General Plan designation of Urban Low Residential, while parcels 043-104-22 and 043-105-29 are zoned **Parks** and Recreation with an Urban Open Space General Plan designation, Parcel 20 is developed with a residence and appurtenant structures. Portions of two coastal bluff retaining walls are located on Parcels 22 and 29. This lot line adjustment is requested to combine the two unbuildable, non-conforming PR zoned parcels that contain improvements associated with the adjacent residentially zoned properties. This proposal would have the following effect on parcel sizes:

| Parcel | Existing (sq. ft) | Difference (sq. ft.) | Proposed (sq. ft.) |
|---|---|---|---|
| 043-104-20 | 12,893.8 | +7,117 (from 37)<br>+2,657.2 (from 22)<br>+3,834.82 (from 29) | 26,502.82 |
| 043-104-22 | 2,657.2 | -2,657.2 | 0 |
| 043-104-37 | 22,689 | -7117<br>+697.18 (from 29) | 16,269.18 |
| 043-105-29 | 4.532 | -3.834.52 | 0 |

The lot line adjustment between parcel 043-104-20 and 043-104-37 will enlarge parcel 20 while maintaining an adequate building site and net developable area on Parcel 37. No new parcels will be created, moreover, the number of parcels will be reduced from four existing lots to two. This proposal complies with all applicable standards of County Code Section 13.10.673, which sets forth the criteria under which a lot line adjustment may be approved. These criteria include, but are not limited to: not reducing the size of nonconforming parcels and a restriction on the creation of additional development opportunities. The majority of the area of Parcel 37 that is proposed to transfer to parcel 20 is undevelopable, containing a small ravine and 10 foot buffer setback. Thus, the proposed transfer will have minimal effect on the building site for Parcel 37. The net developable site area of the resultant configuration of Parcel 37 is determined by subtracting the area within the Sea View Drive right-of-way, the area with slopes steeper than 30% and the ravine area (most of which is steeper than 30%) from the gross proposed parcel area. Although Parcel 37 will be reduced in size, the resultant parcel will have a net developable site area of about 7,000 square feet, which is consistent with the minimum net developable parcel area of 6,000 square feet for the zone district. Thus, the proposed lot line adjustment is consistent with both the zone district and the General Plan policies for minimum parcel size and developable area.

Zoning Issues

Parcel 043-104-20 is zoned R-1-6 (Single Family Residential - 6,000 square foot minimum parcel size) and has a General Plan designation of Urban Low Residential (R-UL). R-1-6 is an implementing zone district for the Urban Low Residential General Plan designation. **A** single family dwelling is a principal permitted use for use this zone district, but is subject to coastal regulations and requires a Coastal Development Permit. The site development standards for the R-1-6 zone district are as follows: 20 feet for the front yard setback and a setback of 20 feet from the property line/Sea View Drive right-of-way is proposed, and 15 feet for the rear yard and over 35 feet from the new property line is proposed. The side yard setbacks for the R-1-6 zone district are 5 and 8 feet, and side yard setbacks of 10 feet and 25 feet to the dwelling and 10 feet to a fuel cell

building and propane tanks at the 8-foot side yard are proposed. The maximum lot coverage allowed in the R-1-6 site development standards is **30 %** and the maximum floor area ratio is 50%. The total proposed lot coverage of 5,164 square feet or 20.3% and the proposed floor area ratio is 40.8%. The maximum allowed height is 28 feet, and the maximum proposed height is 28 feet due to topography changes.

Four rooms in the proposed dwelling meet the County's definition of bedroom set forth in County Code section 13.10.700-B. As this is considered a four bedroom residence, three off-street parking spaces are required. The proposed garage is sufficient for three and the driveway apron can accommodate additional parking spaces. The County's off-street parking standards (Section 13.10.554) requires that parking areas, aisles and access drives together shall not occupy more than 50% of the required front yard setback area for any residential use. Less than 50% of the front yard will be devoted to parking and vehicle access. The original dwelling also contained four bedrooms. Therefore, capital improvement, parks and childcare mitigation fees are not applicable to this proposal.

General Plan Issues

The General Plan Designation for this parcel is Urban Low Residential (R-UL). The objective of this land use designation is to provide low density single family residential development. The R-1-6 zone district is consistent with this General Plan land use designation. The property is located within a mapped scenic area. The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.2 Development Within Visual Resource areas, recognizes the diversity of Santa Cruz County's visual resources and provides criteria for evaluating projects within designated visual resource areas. The project is located on a Coastal bluff. **A** visual analysis has been conducted for the proposed dwelling. Portions of the dwelling, primarily the roof, are currently visible from the beach below Beach Drive. The existing dwellings on either side of the subject parcel can be readily viewed from the beach. A portion of the second story of the proposed two-story dwelling will be visible from the beach. There are a number of dwellings along the bluff that are visible from the beach. These include both one and *two* story structures. The homes immediately adjacent to and northwest of the subject parcel are both two-story homes and the home to the east is also two stories but is set significantly further back from the bluff edge. The new two-story dwelling will blend and harmonize with the built environment, given the variation in heights and setbacks from the bluff along the bluff top. The proposed roof is flat in keeping with its modem design while minimizing the structure's height. The proposed use of natural materials will aid in the home's blending with the built environment. The majority of the homes along the bluff utilize a white or light coloration. This light coloration does draw attention to the dwellings. The proposed exterior colors of oatmeal and natural sandstone, are consistent with those used in the area, and will also blend more with bluff environment. The visual impact of the dwelling as viewed from the beach would be minimized by the setback from the bluff edge, the subdued earthtone colors and flat roof design. The proposed dwelling is within the site development standards for the R-1-6 zone district for lot coverage and floor area ratio. The project is consistent with General Plan policies for residential infill development in a readily visible location, where there already are two-story dwellings.

Coastal Zone Issues

Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas. This regulation states that development shall be located, if possible, on parts of the site not visible or least visible from the public view and that development not block public views of the shoreline. As discussed above, the

project is located adjacent to coastal bluff. Thus, it is impossible to locate the project where it cannot be viewed from the beach. The placement of the home on this site is further constrained by a small ravine running northwest to southeast on the properly. The project has been designed to blend with the existing development of the surrounding neighborhood. This particular area is relatively densely developed urban residential neighborhood and the proposed project is harmonious with character of the area. The existing architecture in the neighborhood is highly eclectic. A very modernistic design is immediate adjacent to the subject property. An unusually long home comprised of a series of hectagons is located along a different ravine northwest of the project. The home to the southeast has a Cape Cod style and there are numerous Spanish and Mediterranean style homes throughout the neighborhood. The proposed roof is flat, but the building height is varied to provide visual interest and to avoid a bulky appearance in accordance with coastal design guidelines. Moreover, the project, as conditioned, will utilize earth tone colors and natural finish materials, so the dwelling will not be visually intrusive. A visual simulation was prepared using constructed models of the house, bluff and beach area. Staff concluded that the project will blend with the existing built environment and will not adversely impact the public view shed. The view shed of the project site is dominated by the substantial wooden retaining wall. A landscape plan has been submitted to help screen most of this wall. Thus, the proposed project is consistent with coastal design requirements in that the project is does not obstruct public views, is consistent and integrated with the character of the surrounding neighborhood and will not be visually intrusive from the beach, as it blends with the existing developed bluff top.

Design and Large Dwelling Review

Residential development exceeding 7,000 square feet is subject to the provisions of County Code sections 13.10.325 (Large Dwelling Permit Requirements and Design Guidelines) and Chapter 13.11 (Site, Architectural and Landscape Design Review). In addition, the site is located within a sensitive site (coastal bluff) as defined in the Design Review Ordinance (Chapter 13.11). The habitable and non-habitable square footage for the proposed dwelling as measured using current methods for calculating Gross Building Area is 10,406. The calculations for Gross Building Area are included as Exhibit G. Because of the proposed dwelling's large size, the project has been reviewed for conformance with the design guideline set for in the County General Plan and Zoning ordinances. County Code section 13.10.325, Large Dwelling Design Guidelines, sets forth design recommendations for large dwellings to minimize potential impacts to the surrounding neighborhood. These design guidelines include minimizing the changes in the natural topography of the building site, utilizing colors and materials to reduce the appearance of building bulk, maintaining compatibility with homes in the surrounding neighborhood and use of architectural features to break up massing.

The County's Large Dwelling policies require that the proposed structure is compatible with its surroundings and will be adequately screened and that the structure will not adversely affect neighboring properties' privacy or solar access. The proposed replacement dwelling and garage have been designed to be compatible with the existing development in the area and responsive to the site constraints of the coastal bluff and the small ravine. As mentioned above, the architecture along the bluff top above Beach Drive and along Sea View Drive is eclectic. The neighborhood is a mixture of one and two story homes. These structures are mostly wood and/or stucco with composite, shake or tile roofs. A number of structures employ Mediterranean or Spanish style architecture and materials or contemporary designs, including a highly modernistic home immediately adjacent to the project site. Roof designs vary from pitched to flat. While the proposed roof is flat, the one and two story elements and roof heights are varied to break up the mass. The stucco and stone exterior is proposed a buff color with a deep red window frames and trim. In general, the proposed colors and materials reflect those of the existing homes in this neighborhood. and are dark enough to visually recede when seen from the beach. The proposed structure is larger in size than the dwellings in the immediate neighborhood. Generally, the sizes (house and garage) on the bluff side (which

has significantly larger lots) range from 3,300 square feet to about 4,000 square feet. However, larger dwellings in the 4,000 to 8,000 square foot range are scattered along the bluff. The proposed dwelling will not appear unduly massive from the street due to its orientation, screening from the heavily vegetated ravine and the garage set at the front of the lot. The garage doors are oriented perpendicular to the street so that **the** garage does not dominate the street view. Furthermore, the majority of the home's square footage is located on the ground floor. The basement contributes 2,274 square feet towards the gross square footage, but is imperceptible in terms of building bulk to the neighborhood as it is fully underground. The second story is substantially smaller than the first floor and irregularly shaped to avoid a bulky appearance. The project design has been reviewed by the Urban Designer and has received a positive design review. Overall, the project is compatible with the goals of the County's Design Review regulations.

Please see Exhibit "B" ("Findings") for **a** complete listing of findings and evidence related to the above discussion.

RECOMMENDATION

Staff recommends the following actions:

1. Certification of the determination that the project **is** Categorically Exempt from the California Environmental Quality Act, and

2. Approval of Application No. 02-0477 based on the findings and subject to the attached conditions.

EXHIBITS

A. Project Plans prepared by Robert Van Dale, Architect, dated 9/10/02 and 9/12/02
B. Findings
C. Conditions
D. Environmental Exemption
E. Assessor's Map
F. Zoning, General Plan and General Plan Resource Maps
G. FAR and related calculations
H. Geotechnical Report addendum
I. Comments from reviewing departments and agencies
J. Memorandum from Larry Kasparowitz, Urban Designer
K. Geologic Hazard Assessment/Report Review 01-0189 (on file with the Planning Department)

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: _____

Cathleen Carr
Santa Cruz County Planning Department
701 Ocean Street; 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3225
Email: cathleen.carr@co.santa-cruz.ca.us



EXHIBIT K

## COASTAL DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

A single-family dwelling with an attached garage is a principal permitted use in the "R-1-6 (Single Family Residential) zone. The "R-1-6" zone district is consistent with the General Plan and Local Coastal Program land use designation of Urban Low Residential.

2. THAT THE PROJECT DOES NOT CONFLICT WITH *ANY* EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The parcel is not governed by an open space easement or similar land use contract. The project will not conflict with any existing right-of-way easement or development restriction as none exist

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

The single-family dwelling is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq., in that the project is not on a prominent ridge, and is visually compatible with the character of the surrounding urban residential neighborhood. Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas. This regulation states that development shall be located, if possible, on parts of the site not visible or least visible from the public view and that development not block public views of the shoreline. The project is located adjacent to coastal bluff. Thus, it is impossible to locate the project where it cannot be viewed from the beach. The project has been designed to blend with the existing development of the surrounding neighborhood. This particular area is relatively densely developed urban residential neighborhood and the proposed project is harmonious with character of the area. Although the proposed roof is flat, its height is articulated to provide visual interest and to avoid a bulky appearance in accordance with coastal design guidelines. Moreover, the project, as conditioned, will utilize very subdued, earth tone colors and natural finish materials and on average is less than maximum building height, so the dwelling will not be visually intrusive. A visual simulation was conducted using models, which show visibility from the beach is minimized given the site location and constraints. Based on this review, the project will blend with the existing built environment and will not adversely impact the public view shed. There is an existing, wood lagging retaining wall along the upper edge of the bluff at this site. This existing wall is highly visible from the beach below. Vegetation will be planted along the base of the retaining consisting of native, drought tolerant species. Thus, the proposed project is consistent with coastal design requirements in that the project does not obstruct public views, is consistent and integrated with the character of the surrounding neighborhood and will not be visually intrusive from the beach, as it blends with the existing developed bluff top.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD



EXHIBIT K

AND THE SEA OR THE SHORELINE OF **ANY** BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is located in the appealable area between the shoreline and the first through public road and within 300 feet of a coastal bluff. Public access to the beach is located to the southeast three parcels down from Bay View Drive. The proposed replacement dwelling and garage will not interfere with public access to the beach, ocean, or any nearby body of water as the precipitous slope between the proposed structure and Beach Drive precludes access. The project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities. Therefore, the project will not interfere with the public's access and enjoyment of this beach area.

*5.* THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed single-family dwelling and garage are consistent with the County's certified Local Coastal Program in that a single family dwelling and appurtenant structures are principal permitted uses in the R-1-6 (Single Family Residential) zone district, although a use approval is required in this area of the Coastal Zone. The development permit has been conditioned to maintain a density of development compatible with the zone district. The structure is sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding neighborhood. The proposed home and garage will use subdued, earth tone coloration on the stucco siding and a buff colored sandstone veneer. The structure has been sited and designed to minimize bulk and blend with the character of the existing neighborhood.

The purpose of General Plan and Local Coastal Plan (LCP) Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.2 Development Within Visual Resource areas, recognizes the diversity of Santa Cruz County's visual resources and provides criteria for evaluating projects within designated visual resource areas. The project is located on a Coastal bluff. A visual analysis has been conducted for **the** proposed dwelling. Portions of the dwelling, primarily the roof, are currently visible from the beach below Beach Drive. The existing dwellings on either side of the subject parcel can be readily viewed from the beach. Most of the second story of the proposed two-story dwelling will be visible from the beach. There **are** a number of dwellings along the bluff that are visible from the beach. These include both one and two story structures. The homes immediately adjacent to and north of the subject parcel are one story and the adjacent home to the south is one and two stones. The new two-story dwelling will blend and harmonize with the built environment, given the variation in heights and setbacks from the bluff. The majority of the homes along the bluff utilize a white or light coloration and several have terra cotta tile roofs. This light coloration draws attention to these dwellings. The proposed exterior colors for the proposed dwelling are oatmeal stucco and a natural sandstone veneer with deep red window frame. These colors relate to those used in the area, but are sufficiently neutral to blend with the bluff environment and help the dwelling to visually recede. The visual impact of the dwelling as viewed from the beach would be minimized by the setback from the bluff edge, the subdued earth tone colors and the flat roof. The proposed dwelling is within the site development standards for the R-1-6 zone district for lot coverage and floor area ratio. The project is consistent with General Plan policies for residential infill development in a readily visible location, where there already are two-story dwellings.

The proposed development is consistent with the County's certified Local Coastal Program for development within a coastal hazards area, in that a Geological Hazards Assessment and a Geotechnical Report have been completed for the project. The technical report has been reviewed and accepted by the Planning Department.

The soils engineer has projected that the building site has 100 years stability, based on maintenance of the existing coastal bluff retaining wall. Therefore, the appropriate setback from the coastal bluff for the building site is *25* feet, as specified in the 1994 General Plan and Local Coastal Plan. The project has been designed to meet the required bluff top setback. Furthermore, all landscaping, on grade patios and drainage have been designed to meet the recommendations of the project soils engineer and the policies for coastal bluff development set forth in the 1994 General Plan and Local Coastal Plan.

## DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE *VICINITY*.

The location of the single family dwelling and garages and the conditions under which they would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvement in the vicinity, as the proposed project complies with all development regulation applicable to the site.

As discussed in the Coastal Development Finding #5 above, the site is located adjacent to a coastal bluff. A Geologic and Geotechnical report has been completed for this site to determine design parameters to construct the proposed residence, and protect the health and safety of the proposed home's occupants and adjacent neighbors from geologic hazards associated with this precipitous slope. The reports, which have been reviewed and accepted by the County, determined a setback from the bluff providing 100-year stability is 25 *feet*, based on the proper maintenance of the existing coastal bluff retaining wall. Drainage measures have been recommended to ensure that the redevelopment of this lot does not increase or accelerate the natural erosion of the adjacent bluff. These recommendations have been incorporated into the project plans and conditions of approval. A declaration of potential hazards must be recorded on the property deed acknowledging the hazards associated with the coastal bluff and *the* necessity to maintain the existing retaining wall.

Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A soils engineering report has been completed to ensure the proper design and functioning of the proposed replacement dwelling and drainage system addressing development adjacent to a steep coastal bluff.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the R-1-6 zone district. 'The dwelling and garages and the conditions under which they would be operated or maintained will be consistent *with* all pertinent County ordinances and the purpose of the R-1-6 zone district. The project meets the site standard requirements for residential development on a R-1-6 parcel. The proposed lot coverage for the development is 20.3% and the maximum allowed lot coverage is 30%. The maximum allowed floor area ratio is 50%, and the floor area for the proposed project is about 10.8%. The design of the proposed single-family dwelling is consistent with that of larger dwellings in the surrounding neighborhood.

The proposed development as conditioned is consistent **with** the Geologic Hazards Ordinance (Ch. 16.10) for development ***in*** an area subject *to* geologic hazards, specifically a landslide prone coastal bluff. A Geologic Hazards Assessment and a soils report have been prepared for this project evaluating slope stability, 100 year stability setbacks from the bluff and soil conditions and set forth recommendations for development providing an acceptable level of safety. The plans conform with Chapter 16.10 for development setbacks, landscaping and drainage for development adjacent to a coastal bluff.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH *ANY* SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Urban Low Residential land use designation. As discussed in the Coastal Zone Findings for this project, all LCP policies have been met in the proposed locations of the project and with the required conditions of this permit. The design of the proposed single-family dwelling and garage is consistent with that of the larger dwellings in the surrounding neighborhood, and is sited and designed to be visually compatible and integrated with the character of neighborhood. The dwelling will not block public vistas to the public beach and will blend with the built environment, which is visible from the public beach.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICWITY.

The use will not overload utilities and will not generate more than the acceptable level of traffic on the roads in the vicinity in that there will be no significant increase in traffic, as a result of the proposed single family dwelling and garage. The replacement dwelling will have four bedrooms. The plans provide for adequate off-street parking for a four-bedroom residence (three spaces).

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICWITY AND WILL BE COMPATTBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed single-family dwelling and garage will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The proposed dwelling will result in a home of a similar size and mass to other larger homes in the neighborhood, and is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood along the beach.

6. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTION 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed home and garage are consistent with the Design Standards and Guidelines of the County Code in that the proposed dwelling complies with the required development standards. The project as proposed and conditioned will provide adequate landscaping to soften the street view, by maintaining the existing mature hedge along the front yard and minimize visual impacts. The primary elements of the site design, modem styling, **a** flat, but articulated roof line, two-story height with a single story garage is compatible with the surrounding eclectic neighborhood, which includes Modern, Contemporary, Mediterranean and Spanish style homes. The orientation of the lot and home minimize the appearance of bulk from the street View. The

25-foot setback from the bluff in conjunction with the requirement for understated colors and height that averages less than maximum height of 28 feet, will reduce visual intrusiveness as viewed from the beach.

## LARGE DWELLING AND DESIGN REVIEW FINDINGS

1. THE PROPOSED STRUCTURE IS COMPATIBLE WITH ITS SURROUNDINGS GIVEN THE NEIGHBORHOOD, LOCATIONAL AND ENVIRONMENTAL CONTEXT AND ITS DESIGN IS CONSISTENT WITH THE LARGE DWELLING DESIGN GUIDELINES IN COUNTY CODE SECTION 1310.325(d); OR

2. THE PROPOSED STRUCTURE, **DUE** TO SITE CONDITIONS, OR MITIGATION MEASURES APPROVED AS PART OF THIS APPLICATION, WILL BE ADEQUATELY SCREENED FROM PUBLIC VIEW AND WILL NOT ADVERSELY IMPACT PUBLIC VIEWSHEDS, NEIGHBORING PROPERTY PRIVACY OR SOLAR ACCESS, AND ITS DESIGN IS CONSISTENT WITH THE LARGE DWELLING DESIGN GUIDELINES SET FORTH IN COUNTY CODE SECTION 13.10 325(d).

The project proposes a 10,406 gross square foot dwelling. The proposed structure, due to both site conditions, subdued coloration and less than maximum height, will be minimally visible from public view and will not adversely affect public view sheds. The project is located on a coastal bluff. The structure is compatible with the surrounding development as it is designed to avoid a massive appearance. Structure mass is broken through the use of cross gables and windows. The project will not block any public view sheds

3. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the single family dwelling complies with the required development standards. Solar access and privacy to existing or future residences will not be affected due to natural vegetative and topographic screening and the physical separation between the structure and adjacent property lines. The project has been designed to minimize potential visual impacts to public view sheds through the use of a flat roof, less than maximum height and stepping the second story away from the bluff. The primary elements of the site design are appropriate to the project site and surrounding development, resulting in compatible development due to natural screening and orientation of the structure on this larger sized urban parcel. The landscaping shall be designed to relate to both the building and site design, using drought tolerant predominantly native species. The subject property as viewed from the beach is dominated by an existing wood retaining wall. Additional landscape screening is proposed along the base of the existing retaining wall to screen and soften its appearance, providing a benefit to the public view shed. The architectural design is modernistic. The adjacent dwelling is a very modem style. The surrounding neighborhood is eclectic with styles ranging from Modern, Contemporary, Spanish, Mediterranean, Cape Code and Ranch. While the design is unique in light of current architectural trends, it relates well to the highly Modern style home on the adjacent parcel and through the use of natural materials and coloration and multiple roof levels and façade articulation provides a transition between the Modernistic architecture and the more typical Mediterranean and Contemporary architecture in the vicinity.



EXHIBIT K

## LOT LINE ADJUSTMENT FINDINGS

1. THE PROJECT IS CONSISTENT WITH THE DEFINITION OF A MINOR LOT LINE ADJUSTMENT.

The application meets the criteria of County Code Section 14.01.105-L, for a minor lot line adjustment, in that it:

Proposes a relocation of lot lines to cure a structural encroachment (retaining wall) into a required setback as it relates to parcels 043-104-20, 22 and 043-105-29, where the resulting lot line coincides with the required minimum setback from the encroaching structure.

Proposes a relocation of lot lines among four or fewer parcels 043-104-20, 22, 37 and 043-105-29, which meet in at least one point or share common boundaries where each parcel involved is a separate legal parcel and the product of the lot line adjustment will result in two buildable parcels that conform to the County Zoning Ordinance and General Plan.

2. THE LOT LINE ADJUSTMENT WILL NOT RESULT IN A GREATER NUMBER OF PARCELS THAN ORIGINALLY EXISTED.

Four separate parcels currently exist, and granting this request will result in two separate parcels; thus, the number of parcels will be reduced through the proposed lot line adjustment.

3. THE LOT LINE ADJUSTMENT CONFORMS WITH THE COUNTY ZONING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 13.10.673) AND THE COUNTY BUILDING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 12.01.070).

Per County Code Section 13.10.673(a), no additional building sites will be created if this request is granted.

Per County Code Section 13.10.673(e), a lot line adjustment shall be deemed to be consistent with parcel size requirements if it complies with the minimum parcel size required by the zoning designation. For the purpose of that subsection, the term "minimum parcel size'' required by the zoning designation shall mean the minimum parcel size allowed by any of the following:

**(i)** The Zoning Designation for the parcel in question;

The two parcels resulting from this lot line adjustment will be zoned R-1-6 (single family residential – 6,000 square foot parcel size) with a small area zoned PR (Parks and Recreation) from APNs 043-104-22 and 043-105-29. Parcels 043-104-22 and 043-105-29 are nonconforming with respect to the parcel minimum before the adjustment. After the proposed adjustment these grossly nonconforming parcels will cease to exist, being added to the two existing, conforming residentially zoned properties forming two split-zoned parcels. The adjustment will reduce the overall parcel size of APN 043-104-37 by about 1,020 square feet. The net parcel area is in excess of 15,000 square feet. In addition, the net developable area in accordance with the policies of the 1994 General Plan determining net developable area based on slopes, riparian corridors, right-of-ways and geologic hazards, is over 7,000 square feet. Thus, the net developable area on Parcel 043-104-37 after the boundary adjustment would still exceed the 6,000 square feet minimum net



EXHIBIT K

developable area that is required by the General Plan for the creation of a new lot in this zone district and the R-UL (Residential Urban Low) General Plan land use designation.

4. NO AFFECTED PARCEL MAY BE REDUCED OR FURTHER REDUCED BELOW **THE** MINIMUM PARCEL SIZE REQUIRED BY THE ZONING DESIGNATION, ABSENT THE GRANT OF **A** VARIANCE PURSUANT TO COUNTY CODE SECTION 13.10.230.

**As** discussed in Finding #3 above, Parcel 043-0104-37 will not be reduced below the minimum parcel size required by the R-1-6 zoning designation. The two nonconforming PR zoned parcels (APNs 043-104-22 and 043-105-29) will cease to exist, being incorporated into the larger residential properties, thereby creating a more conforming parcel configuration.



EXHIBIT K

**CONDITIONS OF APPROVAL.**

Coastal Development Permit 02-0477

APPLICANT: Robert Van Dale

OWNER: James and Dian Burke

APNs: 043-104-20, 22, 37 and 043-105-29

LOCATION: Located on the south side of Sea View Drive across from its intersection with Farley **Drive.** Situs: 422 Sea View Drive, Aptos.

---

Exhibit: A: Project Plans prepared by Robert Van Dale, Architect, dated 9/10/02 and 9/12/02

---

I. This permit authorizes the demolition of an existing, one-story single family dwelling and detached garage and the construction of a two-story single family dwelling, one story attached garage, totaling about 10,400 square feet of gross building area, minor repairs to an existing retaining wall, grade about 400 cubic yards and related site improvements. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.

B. Obtain a Demolition Permit from the Santa Cruz County Building Official.

C. Obtain a Building Permit from the Santa Cruz County Building Official.

D. Obtain a Grading Permit from the Santa Cruz County Planning Department.

E. Obtain an Encroachment Permit from the Department of Public Works, if required, for work within the Sea View Drive right-of-way.

F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).

**G.** Complete the Lot Line Adjustment. No parcel map is required. File the deeds of conveyance with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership.

1. The deed of conveyance from APN 043-104-37 to APN 043-104-20 must contain the following statement after the property description:

*"The purpose of the deed is to combine the above describeriportion of* ***Assessors*** *Parcel No. 043-104-37 with Assessors Parcel No. 043-104-20 as approved by the County of Santa Cruz on February 7, 2003 under Application No. 02-0477.* ***This*** *conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated.*

2. The deed of conveyance from APN 043-104-22 to APN 043-104-20 must contain the following statement after the property description:



EXHIBIT K

*"The purpose of the deed is to combine Assessors Parcel No. 043-104-22 with Assessors Parcel No. 043-104-20 as approved by the County of Santa Cruz on February 7, 2003 under Application No. 02-0477. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."*

3. The deed of conveyance from APN 043-105-29 to APN 043-104-20 must contain the following statement after the property description:

*"The purpose of the deed is to combine the above described portion of Assessors Parcel No. 043-105-29 with Assessors Parcel No. 043-104-20 as approved by the County of Santa Cruz on February 7, 2003 under Application No. 02-0477. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."*

4. The deed of conveyance from APN 043-105-29 to APN 043-104-37 must contain the following statement after the property description:

*"The purpose of the deed is to combine the above described portion of Assessors Parcel No. 043-105-29 with Assessors Parcel No. 043-104-37 as approved by the County of Santa Cruz on February 7, 2003 under Application No. 02-0477. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."*

5. The boundary adjustment and related reconveyance of the four subject parcels (APNs 043-104-20, 22, 37 and 043-105-29) shall result in no more than two parcels of record.

II. Prior to issuance of a Building Permit the applicant/owner shall:

**A.** Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit **"A"** on file with the Planning Department. The final plans shall include, but not be limited to, the following:

1. Exterior elevations identifying finish materials and colors. Building heights shall be clearly shown.

2. Floor plans identifying each room, its dimensions and square footage. Detailed floor area ratio and lot coverage calculations.

3. Retaining wall repair/replacement details and engineering, if required.

4. Final plans shall include a copy of the conditions of approval.

5. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, sewer laterals, on and off site drainage improvements and grading.

   a. A standard driveway and conform is required, including a structural section, centerline profile and a typical cross section.

   b. Plans shall show the existing roadside improvements.



EXHIBIT K

c. On site parking shall be shown on the plans. Four on-site spaces are required. The minimum dimensions of each space are 18 feet in length by 8.5 feet in width.

d. All landscaping and structures, including but not limited to fences or propane tanks, on the portion of property that will be transferred from APN 043-104-37 to APN 043-104-20 shall comply with the applicable deed restrictions recorded in Volume 5608 Pages 439-479 of the Official Records of Santa Cruz County. No landscaping or structures shall exceed 3 feet in height within the required front yard setback and shall not exceed 6 feet in height outside of the front yard setback on the above referenced portion of the property.

6. All development shall meet the site development standards set forth in Section 13.10.323 of the County Code for the R-1-6 zone district, except that more restrictive setbacks of 10 feet for the side yards shall apply to the residential structure on APN 043-104-20.

7. Development as defined in Chapter 16.10 must be located outside of the 25-foot bluff top setback.

8. A final landscape plan This plan shall include the location, size, and species of all existing and proposed trees and plants within the front yard setback.

a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet **in** width.

b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be drought tolerant. Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not he drought tolerant, provided they are grouped together and can he irrigated separately.

1. Final landscaping plans shall include restoration measures to remove the English ivy ***(Hedera helix),*** Algerian ivy *(Hedera* ***canariensis)*** and other invasive exotic species from the ravine area.

2. The use of invasive, exotic plant species in the landscaping is prohibited.

3. Plans shall include vegetation to screen the retaining wall. Plant selection(s) shall be drought tolerant and planted at the base of the retaining wall. California native species and species from the State Coastal Commission Native Bluff Planting list is preferred.

c. All landscaping within the 25-foot coastal bluff setback shall conform with the following:

1. Only drought tolerant species shall be utilized.

2. Plans shall specify that imgation, except for the minimum amount of hand watering required to establish new plantings, is strictly prohibited.



EXHIBIT K

d. All runoff from impervious surfaces shall be collected in an enclosed drainage system to the street or other approved runoff collection system.

9. Final plans shall reference and incorporate all recommendations of the soils report prepared for this project, with respect to the construction and other improvements on the site. All pertinent soils report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. A plan review letters from the soils engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the soils report.

10. A final detailed drainage plan, which shows how and where the building, paved driveway, patios and other impervious areas will dram without adverse effects on adjoining properties. The final drainage plans shall be reviewed and approved by the Department of Public Works (DPW) and Environmental Planning. Drainage plans shall also conform with the soils report recommendations. Final drainage plans shall conform with the following:

a. Final drainage plans shall be prepared by a civil engineer.

b. Final plans shall show existing and proposed impervious surfaces and include calculations for the net increase in impervious area.

c. Plans shall provide design details including, but not limited to, pipe sizes, materials, slopes, flowline elevations, outlet structures, etc. Complete calculations addressing pre-project runoff, net runoff change, sizing and structure storage volume.

d. Provide a map showing the sub-drainage areas referred to in the preliminary and final calculations.

e. The drainage system must be designed such that the post-project runoff for the entire site (controlled and uncontrolled runoff) does not exceed pre-project runoff conditions.

f. Meet all requirements of the DPW Drainage Section.

g. Submit a copy of an updated plan review letter from the project geotechnical engineer approving the final drainage plan and stating that the plan mill not cause any erosion or stability problems, if drainage plans are altered or updated with additional details from the drainage plans submitted as Exhibit A.

11. Submit a detailed erosion control plan to be reviewed and accepted by Environmental Planning. The plan shall include measures to prevent runoff generated during construction from flowing towards the bluff or turbid water or sediments from entering the ravine.

Earthwork between October 15 and April 15 (winter season) is prohibited, unless a special Winter Grading Permit and winter season erosion control plan are approved by Environmental Planning.

12. Any new electrical power, telephone, and cable television service connections shall be installed underground.

13. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.

14. Meet all requirements and pay the appropriate plan check fee of the Aptos-La Selva Fire Protection District as stated in their letters dated October 25,2002.

15. Meet all requirements and pay the appropriate fees, if required, of the Santa Cruz County Sanitation District.

B. Obtain an Encroachment Permit from the Department of Public Works for all work within the County right-of-way, including but not limited to driveway apron and off site drainage improvements.

C. Pay the Santa Cruz County Park Dedication fee, County Roadside Improvement fee, County Transportation Improvement fee, Santa Cruz County Child Care fee in effect at the time of building permit, if more than four rooms meet the definition of a bedroom per County Code Section 13.10.700-B. These fees are based on new bedrooms and are subject to change without notice.

D Pay the Zone 6 Flood Control District Storm Drainage Improvement fees. This fee is currently $0.80 per square foot of new, impervious surface, but is subject to change without notice.

E. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district, if required.

III. All construction shall be performed according to the approved plans for the building permit. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:

A. Erosion shall be controlled at all times. During construction, measures shall be in place to prevent runoff from flowing towards the bluff and to prevent turbid water or sediment from reaching the ravine and existing drainage systems.

B. Earthwork between October 15 and April 15 (winter season) is prohibited, unless a special Winter Grading Permit and winter season erosion control plan are approved by Environmental Planning.

C. All inspections required by the building permits shall be completed to the satisfaction of the County Building Official, the County Senior Civil Engineer and County Geologist.

D. All site improvements shown on the final approved Building Permits plans shall be installed.



EXHIBIT K

**E.** The soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted soils report. A copy of this letter shall be kept in the project file for future reference.

IV. Operational Conditions:

**A.** Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof pitch and exterior elevations are prohibited, unless an amendment to this permit is obtained.

B. All development, including cantilevered or non-habitable structures, as defined in section 16.10.070 shall be located outside of the 25-foot coastal bluff setback

C. The proposed dwelling shall meet the site development standards set forth in Section 13.10.323 of the County Code for the R-1-6 zone district, except that more restrictive setbacks of 10 feet for the side yards shall apply to the residential structure on APN 043-104-20.

D. The retaining wall shall be maintained, in order to maintain site stability and protect the dwelling and its occupants. Maintenance includes, but is not limited to, the following:

a. Periodic inspections of wall including wall deflection (leaning), the wood lagging, drains and any tie backs by a civil, structural or geotechnical engineer.

b. Periodic cleaning of drains and drain pipes.

c. Monitoring and measuring wall deflection, if found, and correction measures as required by a civil, structural or geotechnical engineer. Coastal Development and building permits may be required for replacement or repair of any structural elements.

d. Replacement of weakened or damaged wood lagging or other repairs as recommended by the project geotechnical, civil or structural engineer. Coastal Development and building permits may be required for replacement of any structural elements.

E. All drainage improvements shall be permanently maintained. All runoff from impervious surfaces shall be collected in an enclosed drainage system to the street or other approved runoff collection system. Uncontrolled runoff from impervious surfaces shall not be allowed to flow towards the coastal bluff.

F. All landscaping (shown in Exhibit **A)** shall be permanently maintained.

Irrigation of landscaping within the 25-foot coastal bluff setback or bluff face, except for the minimum amount of hand watering required to establish new plantings, is strictly prohibited.

G. The residence shall be painted using subdued, earth tone colors. With the exception of window trim, the use of white, off-white or similar colors on the house exterior is prohibited.

H. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the

County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

I. All landscaping and structures, including but not limited to fences or propane tanks, on the portion of property that will be transferred from APN 043-104-37 to APN 043-104-20 shall comply with the applicable deed restrictions recorded in Volume 5608 Pages 439-479 of the Official Records of Santa Cruz County. No landscaping or structures shall exceed 3 feet in height within the required front yard setback and shall not exceed 6 feet in height outside of the front yard setback on the above referenced portion of the property.

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void,

Minor variations to this permit, which do not affect the overall concept or density, may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.



EXHIBIT K

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.**

**Approval Date: February 7.2003**

**Effective Date: February 21.2003**

**Expiration Date: Februarv 21,2005**

**Don Bussey**
**Deputy Zoning Administrator**

**Cathleen Carr**
**Project Planner**



EXHIBIT K

VIEW OF MODEL
FROM STREET SIDE

61

EXHIBIT

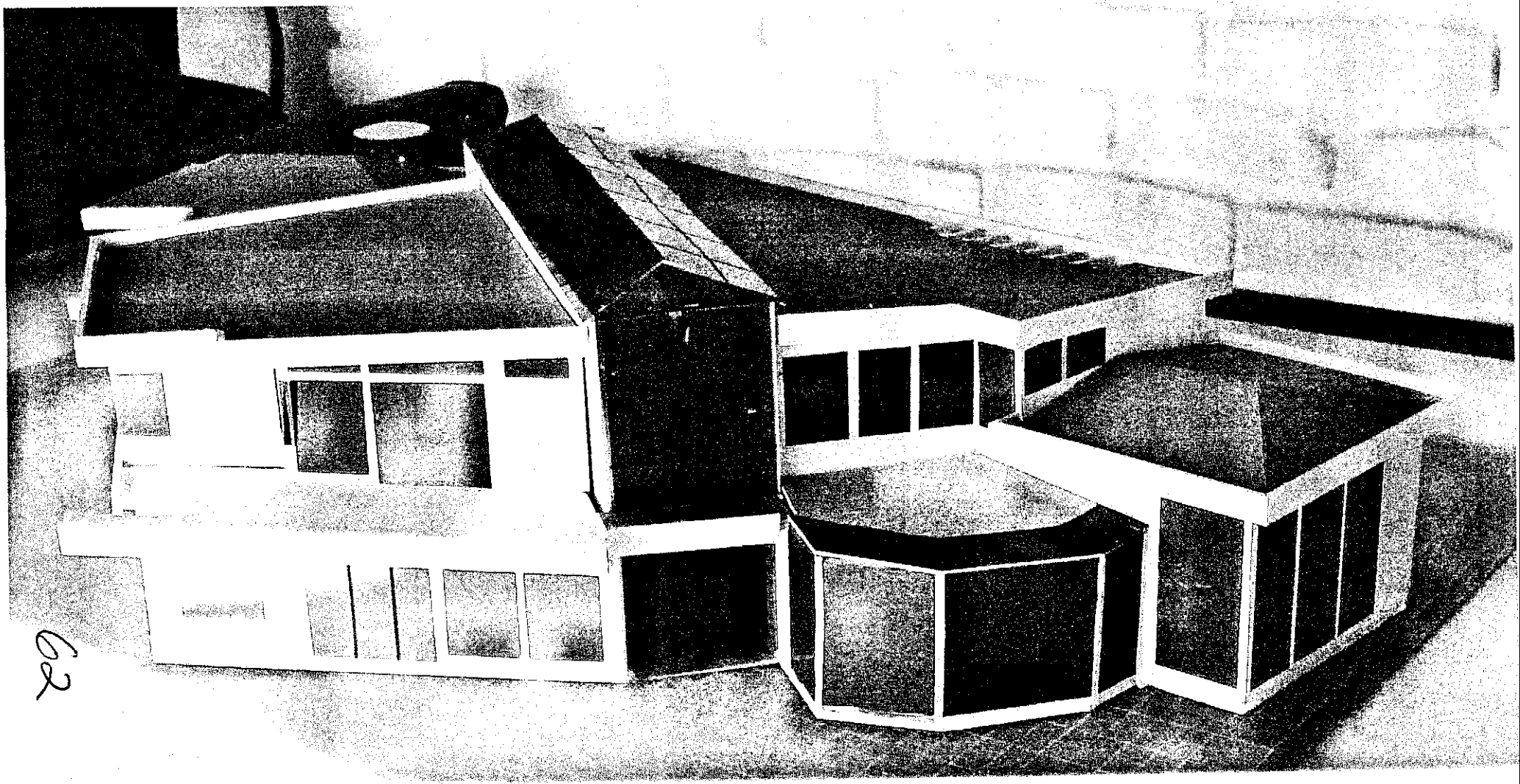


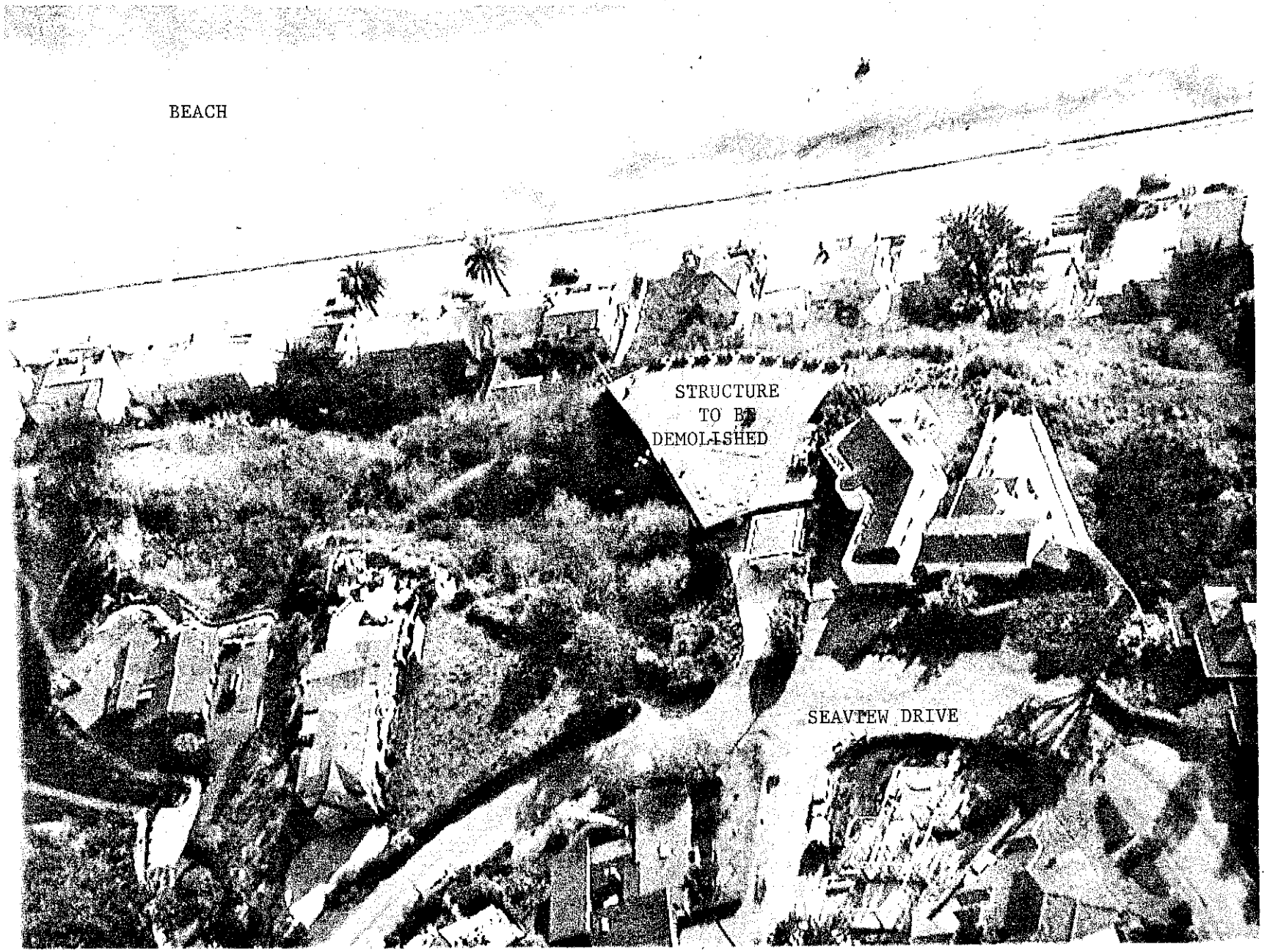
EXHIBIT 62

VIEW OF MODEL
FROM BLUFF

VIEW OF MODEL
FROM NEIGHBOR TO NORTH

63

EXHIBIT L




AERIAL VIEW

64

IN TRIPLICATE